

GAHC010148122023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : CRP/131/2023

UNITED INDIA INSURANCE COMPANY LIMITED
A PUBLIC SECTOR UNDERTAKING COMPANY REGISTERED AND
INCORPORATED UNDER THE COMPANIES ACT, 1956, HAVING ITS
REGISTERED OFFICE AT 24 WHITES ROAD, CHENNAI-600014 WITH ONE
OF ITS REGIONAL OFFICE AT CHIBBER HOUSE, 2ND FLOOR, G.S. ROAD,
GUWAHATI-5, REPRESENTED BY ITS REGIONAL MANAGER, GUWAHATI,
KAMRUP(M), ASSAM

VERSUS

ILA SAIKIA AND 2 ORS
W/O- SRI BIREN SAIKIA, R/O- VILL.- KOMARMOTI GAON, O.P.
MOUTGAON, P.S. AND DIST. JORHAT, ASSAM, PIN- 781126.

2:PUTUL PHUKAN
S/O- LATE TIKOL PHUKAN
R/O- VILL.- HAZARI GAON
P.O. BORPATHAR
P.S. AND DIST. GOLAGHAT
ASSAM
PIN- 781025.

3:PANKAJ DAS
S/O- MANIK DAS
R/O- VILL.- HAZARI GAON
P.O. BORPATHAR
P.S. AND DIST. GOLAGHAT
ASSAM
PIN- 781025

For the appellant(s) : Mr. R. C. Paul, Advocate

For the respondent (s) : Mr. M. Dutta, Advocate,
Mr. D. Mandal, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

03.04..2024

This is an application under Article 227 of the Constitution challenging the order dated 06.05.2023 passed in MAC Case No.17/2021.

2. From the materials on record, it reveals that a claim proceedings was initiated before the Motor Accident Claims Tribunal at Golaghat by the respondent No.1 herein. The said claim proceedings was registered and numbered as MAC Case No.17/2021.

3. In the said proceedings though notice was duly issued, no written statement was filed. Thereupon, the matter was placed before the National Lok Adalat on 13.08.2022. In the said National Lok Adalat, the said proceedings was disposed of on compromise whereby the petitioner herein who was the Opposite Party No.3 duly agreed for payment of Rs.10,00,000/- as full and final settlement towards the said claim. On the basis thereof, the order was passed on 17.08.2022 by the learned Member, Motor Accident Claims Tribunal, Golaghat. Thereupon, some time in the year 2023, an application was filed by the petitioner for recalling of the said award. The said application was registered and numbered as Petition No.810/23. The learned Tribunal vide the order dated 06.05.2023 had rejected the said application on the ground that the claim case was amicably settled by the said notice and the settlement form was duly

signed by the petitioner herein through its Divisional Manager one Sri G. K. Doloi. It is against this order dated 06.05.2023, the present proceedings has been initiated. Apart from that, the petitioner has also assailed the settlement agreement dated 13.08.2022 and 17.08.2022 as well as the order dated 17.08.2022.

4. I have heard Mr. R. C. Paul, the learned counsel for the petitioner who submitted that the policy of the vehicle is only a carrier legal liability policy, and as such, without there being an additional policy taking into account that the vehicle in question was an oil tanker, the petitioner cannot be saddled with the liability of Rs.10,00,000/-.

5. This Court had also heard the learned counsels appearing on behalf of the respondents.

6. Upon hearing the learned counsels for the parties, a pointed query was made to Mr. R. C. Paul, the learned counsel for the petitioner as to whether from a perusal of the policy conditions which have been enclosed as Annexure-7 to the instant proceedings, there is any requirement for the said oil tanker to have an additional policy for covering any accident or mishap. Nothing could be pointed out by Mr. R. C. Paul, the learned counsel for the petitioner. This Court also cannot be unmindful of the fact that there is a sanctity attached to an award passed in a Lok Adalat. Unless there is a grave error which is apparent on the face of it, the question of disturbing with the sanctity attached to the award does not arise. Else, it would be resulting in making the provisions of Legal Services Authority Act, 1987 non-eficacious and resulting in every person challenging any award which has been passed upon compromise.

7. In the instant case, there being no grave error of fact or law shown before this Court, the question of interference with the settlement dated 13.08.2022 as well as the award dated 17.08.2022 do not arise.
8. Consequently, this Court also does not find any error in exercise of jurisdiction by the learned Tribunal in its order dated 06.05.2023.
9. Accordingly, the instant proceedings stands dismissed with a cost of Rs.10,000/- to be deposited by the petitioner before the learned Tribunal.
10. Interim order if any stands vacated.

JUDGE

Comparing Assistant