

GAHC010179482024



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

Case No. : MACApp./458/2024

UNITED INDIA INSURANCE COMPANY LTD
HAVING ITD REGISTERED OFFICE AND HEAD OFFICE AT 24, WHITES
ROAD, CHENNAI AND ITS REGIONAL OFFICE AT G.S ROAD, DISPUR,
GUWAHATI, AND REPRESENTED BY THE CHIEF REGIONAL MANAGER,
GUWAHATI REGIONAL OFFICE, G.S ROAD, DISPUR, GUWAHATI-781005

VERSUS

ANITA DAIMARY AND 6 ORS
W/O. LT. LAKHESWAR DAIMARY

2:SRI. DEV DAIMARY
S/O. LT. LAKESHWAR DAIMARY

3:SRI. PRANAV DAIMARY
S/O. LT. LAKESHWAR DAIMARY

4:SMTI. FULESWAR DAIMARY
W/O. SRI. RANJAN DAIMARI
ALL ARE RESIDENT OF VILL. THELAMARA GHAT SAINIK COLONY
P.O. AND P.S. THELAMARA
DIST. SONITPUR
ASSAM
PIN-784149
RESPONDENT NO. 3 BEING MINOR IS REPRESENTED BY BY HER LEGAL
GAURDIAN MOTHER i.e. RESPONDENT NO.1

5:SRI. PRANAB MEDHI
S/O. SRI. GHANA KANTA MEDHI
R/O. VILL. SAULAGURI
P.O ODALGURI
P.S. PATARCHARKUCHI

DIST. BAJALI
ASSAM
PIN-781326.

6:SRI. NIPON NATH
S/O/ LT. MOHUM NATH
VILL. KAKATI CHUBURI
P.S. TEZPUR
DIST. SONITPUR
ASSAM
PIN-784150

7:RELIANCE GENERAL INSURANCE COMPANY LTD.
REPRESENTED BY BRANCH MANAGER
ANIL PLAZA 5TH FLOOR
BESIDES IDBI BUILDING
ABC
G.S. ROAD
GUWAHATI-78100

Advocate for the Petitioner : MR. R GOSWAMI, MS. P BORTHAKUR, MS. M SAIKIA

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.09.2024

This is an appeal filed by the appellant-United India Insurance Co. Ltd. (for short Insurance Company) against the judgment and award dated 01.06.2024 passed by the learned Member, Motor Accident Claims Tribunal, Sonitpur, Tezpur (for short MACT, Sonitpur) in MAC Case No. 02/2022 (Death) whereby an amount of Rs. 80,93,671/- was directed to be paid by the Insurance Company.

Shri A Munin Chowdhury, Regional Manager of the Insurance Company and the claimant nos.1-Smti. Anita Daimary and 4-Smti. Fuleswari Daimari along with their learned counsel, Ms. SK Nath are present today i.e., 14.09.2024 in the National Lok Adalat.

The parties present before this Court jointly submit that the matter has been settled between the parties and an amount of Rs.80,00,000/- as full and final settlement has been agreed upon.

In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the amount of Rs.80,00,000/- being the full and final settlement before the MACT, Sonitpur within a period of 45 days from today.

The claimants would be at liberty to withdraw the aforesaid amount on being properly identified by their learned counsel. The manner of release of the aforesaid amount would be in the following terms:

- i) Out of the aforesaid amount of Rs. 80,00,000/-, Rs. 40,00,000/- is directed to be released in favour of the claimant no. 1-Smti. Anita Daimary;
- ii) Rs. 20,00,000/- is directed to be released in favour of the claimant no. 4-Smti Fuleswari Daimari; and
- iii) Rs.10,00,000/- each is directed to be deposited in Fixed Deposits scheme in the name of claimant nos. 2-Shri Dev Daimary and 3. Shri Pranav Daimary in any nationalized bank for a period of 3 years.

The statutory deposit of Rs.25,000/- made by the Insurance Company at the time of filing of the appeal would be refunded to the Insurance Company within a period of 30 days.

JUDGE

Comparing Assistant