

GAHC010187842023



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

Case No. : MACApp./444/2023

AMJAT ALI AND 3 ORS.
S/O LATE CHANBAR ALI
(HUSBAND OF THE DECEASED) RESIDENT OF VILLAGE AND PO
BHOGDIA, PS SARTHEBARI, DIST BARPETA, ASSAM, 781305

2: MD. SONOWAR ALI
S/O AMJAD ALI
(MINOR SON OF THE DECEASED) RESIDENT OF VILLAGE AND PO
BHOGDIA
PS SARTHEBARI
DIST BARPETA
ASSAM
781305
TO BE REP. BY. PET. NO. 1

3: AYESHA SIDDIQUA
D/O AMJAD ALI
(MINOR DAUGHTER OF THE DECEASED) RESIDENT OF VILLAGE AND PO
BHOGDIA
PS SARTHEBARI
DIST BARPETA
ASSAM
781305
TO BE REP. BY. PET. NO. 1

4: MANIKJAN NESSA
W/O LATE CHANBAR ALI

(MOTHER IN LAW OF THE DECEASED) RESIDENT OF VILLAGE AND PO
BHOGDIA
PS SARTHEBARI
DIST BARPETA
ASSAM
78130

VERSUS

JAHIRUL ISLAM BHUYAN AND 2 ORS.
S/O FAZAL HOQUE BHUYAN,
RESIDENT OF SONKUCHI, PO SONKUCHI, PS AND DIST BARPETA, ASSAM
781314

2:VIPUL DAS
S/O CHANDRA DAS

RESIDENT OF VILLAGE DEURIKUCHI
PO SONKUCHI
PS AND DIST BARPETA
ASSAM 781314

3:THE NEW INDIA ASSURANCE CO. LTD.
REPRESENTED BY THE BRANCH MANAGER
BONGAIGAON BRANCH
CHAPAGURI ROAD
BONGAIGAON TOWN
DIST BONGAIGAON
ASSAM 78338

Advocate for the Petitioner : S I AKAND

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

09.03.2024

This is an appeal filed by the appellants-claimants against the judgment and award dated 20.05.2023 passed by the Motor Accident Claims Tribunal, Barpeta (for short MACT) in MAC Case No.293/2021 praying for enhancement of the awarded amount of Rs.4,10,000/- along with 9% interest.

Ms. Hena Haflongbar, Assistant Manager of the New India Assurance Company Ltd. and claimant No.1 - Amjat Ali (husband of the deceased),

claimant No. 2 – Md. Sanowar Ali (minor son of the deceased) and claimant No. 3 – Ayesha Siddiqua (minor daughter of the deceased) and their learned counsel, Shri S.I. Akand are present today i.e., 09.03.2024 in the National Lok Adalat.

The parties present before this Court jointly submit that the matter has been settled outside the Court and an additional amount of Rs.10,50,000/- (Rupees ten lakh and fifty thousand) 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 additional agreed amount of Rs.10,50,000/- (Rupees ten lakh and fifty thousand) being the full and final settlement before the learned MACT, Barpeta within a period of 45 days from today.

The claimants would be at liberty to withdraw the total amount of Rs.10,50,000/- on being properly identified by their learned counsel. The manner of release of the aforesaid amount would be in the following terms:

- i. Rs.1,00,000/- is directed to be deposited in a Fixed Deposit scheme in the name of claimant No. 2 – Md. Sanowar Ali (minor son of the deceased) in any nationalized bank for a period of 3 years.
- ii. Rs.1,00,000/- is directed to be deposited in a Fixed Deposit scheme in the name of and claimant No. 3 – Ayesha Siddiqua (minor daughter of the deceased) in any nationalized bank for a period of 5 years.
- iii. Rs.1,00,000/- is directed to be released in the name of claimant no. 4 – Manikjan Nessa (mother).

- iv. The remaining amount of Rs.7,50,000/- is directed to be released in favour of the claimant no. 1- Amjat Ali.

The appeal is accordingly disposed of.

Sent back the LCR.

JUDGE

Comparing Assistant