

GAHC010198092024



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

Case No. : I.A.(Civil)/3078/2024

JOSHODA ALIAS YASHODA @ JAKHUDA DAS
W/O. LATE RANJIT DEKA, VILL.- SATBORBARI, P/O. MERMUKH, P/S.
NARAYANPUR, DIST.- BISWANATH CHARIALI, ASSAM.

VERSUS

THE NEW INDIA ASSURANCE COM LTD AND 2 ORS
REPRESENTED BY R/MANAGER GUWAHATI, GS ROAD, KAMRUP, ASSAM.

2:MR. BINOD KUMAR HARLALKA
S/O. LATE SAHANLAL HARLALKA
R/O.-206 DHANUKA COMPLEX BLOCK
A.T. ROAD
ATHGAON
GUWAHATI
DIST.- KAMRUP(M)
PIN-781001
ASSAM.

3:MR. JAYANTA SAIKIA
S/O. BENU SAILIA
VILL.- CHOULDHARA
P/O.- BOGINODI
P/S.- BOGONODI
DIST.- BISWANATH CHARIALI
ASSAM
PIN-78703

Advocate for the Petitioner : , MS M BHARATI,B R DAS

Advocate for the Respondent : ,

Linked Case :

JOSHODA ALIAS YASHODA @ JAKHUDA DAS

VERSUS

THE NEW INDIA ASSURANCE COM LTD AND 2 ORS E

Advocate for : B R DAS

Advocate for : appearing for THE NEW INDIA ASSURANCE COM LTD AND 2
ORS E

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

14.12.2024

(K.R. Surana, J)

Mr. S. Das, Assistant Manager of the New India Assurance Co. Ltd. is present. The applicant/appellant, namely, Smt. Joshoda Alias Yashoda @ Jakhuda Das, has appeared along with Mr. B.R. Das, her learned counsel.

2. Both sides have agreed that that the pre-settlement held between the parties, the respondent no.1/Insurance Company has agreed to pay a additional sum of Rs.5,50,000/- (Rupees five lakh fifty thousand only) to the applicant/appellant in addition to sum of Rs.8,43,481/- (Rupees eight lakh forty three thousand four hundred eighty one only) that has already been deposited. Therefore, the total settlement amount is Rs.13,93,481/- (Rupees thirteen lakh ninety-three thousand four hundred eighty one only) as full and final settlement of all the claims of the appellant/claimant passed by the learned Member, Motor Accident Claims Tribunal, Biswanath Chariali, Sonitpur, Assam in MACT Case No.79/2017 (D).
3. Accordingly, the matter is settled on compromise in terms of the pre-settlement/compromise slip for the National Lok Adalat, which is made as a part of record.
4. Both the parties shall put their signature in the pre-settlement compromise slip as token of acceptance for the settlement.
5. Therefore, in addition to Rs.8,43,481/- (Rupees eight lakh forty three thousand four hundred eighty one only) already deposited a further amount of Rs.5,50,000/- (Rupees five lakh fifty thousand only) shall be deposited by the respondent no.1 i.e. the New India Assurance Co. Ltd. before the Registry of the Court within 30 (thirty) days from the date of the settlement order, failing which the amount shall carry interest @ 9% per annum till the date of deposit.
6. On such deposit being made, out of the additional amount of Rs.5,50,000/- (Rupees five lakh fifty thousand only), the Registry of the Court shall keep 30% of the amount in a fixed deposit account of any Nationalized Bank for 3 (three) years in favour of the applicant/appellant and shall disburse the remaining amount in favour of the applicant/appellant, namely, Smt. Joshoda Alias Yashoda @ Jakhuda Das in any one name in which she has a bank account and the balance amount shall be released on satisfaction

of her identity.

7. The matter is disposed of in this Lok Adalat.
8. In view of the settlement order passed today, this interlocutory application as well as un-numbered appeal stands closed.

JUDGE

Comparing Assistant