

GAHC010201882018



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

Case No. : MACApp./897/2018

HIMANGSHU PATHAK
S/O- LATE RAJEN PATHAK, R/O- VILL- BARPETA KEOT KUCHI GAON, P.S
AND DIST- BARPETA, ASSAM

VERSUS

PRADIP KR. SINGH AND 4 ORS
S/O- TRIBHUVAN SINGH, R/O- PHEKTOWM, P.O AND P.S- NAGALAND
PHEK, NAGALAND, PIN- 7979108

2:HARDEB SINGH
S/O- LATE SAUP SINGH
R/O- NANAK NAGAR
SECTOR- 7
GALI- 4
P.S- GANDHI NAGAR
NAGALAND

3:THE REGIONAL MANAGER M/S UNITED INDIA INSURANCE CO.
LIMITED
REGIONAL OFFICE
CHRISTIAN BASTI
G S ROAD
GUWAHATI- 05
VIDE POLICY NO. 47835401/0029/13 VALID UPTO 23/04/2014

4:ANUP TANTI S/O- SUNIL TANTI
R/O- DEMOW ALOON NAGAR
P.O AND P.S- DEMOW
DIST- SIVASAGAR

5:THE REGIONAL MANAGER M/S NEW INDIA ASSURANCE CO. LTD
NERO G S ROAD ABC GHY- 05
VIDE POLICY NO. 53010131120100004383 VAILD UPTO 5/10/201

Advocate for the Petitioner : MR S ISLAM

Advocate for the Respondent : MR. R GOSWAMI

Linked Case : I.A.(Civil)/3620/2018

HIMANGSHU PATHAK
S/O- LATE RAJEN PATHAK
R/O- VILL- BARPETA KEOT KUCHI GAON
P.S AND DIST- BARPETA
ASSAM

VERSUS

PRADIP KR. SINGH AND 4 ORS
S/O- TRIVUBAN SINGH
R/O- PHEKTOWM
P.O AND P.S- NAGALAND PHEK
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DIST- SIVASAGAR

5:THE REGIONAL MANAGERM/S NEW INDIA ASSURANCE CO. LTD
NERO G S ROAD ABC GHY- 05
VIDE POLICY NO. 53010131120100004383 VAILD UPTO 5/10/2013

Advocate for : MR S ISLAM

Advocate for : MR SISHIR DUTTA appearing for PRADIP KR. SINGH AND 4 ORS

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

Name of the conciliators:

1. Ms. Chandana Patowary
2. Ms. Gita Kakati Das

(O R D E R)

Date : 11.05.2024

The case is put up before the National Lok Adalat.

The MAC.A. 897/2018 has been instituted by the claimant praying for enhancement of the amount awarded vide the Judgment & order dated 25.01.2018, passed by the learned Member, MACT No. 2, Kamrup(M) in MAC. Case No. 2087/2013.

The IA(c)72/2019 in MAC.A. 15684/2018, has been instituted by the New India Assurance Company Limited assailing the Judgment & order dated 25.01.2018, passed by the learned Member, MACT No. 2, Kamrup(M) in MAC. Case No. 2087/2013.

Both the proceedings would now be disposed of vide this order in view of the amicable settlement arrived at between the parties.

Sri Himangshu Pathak, claimant, herein, and the respondents New India Assurance Company Limited, represented by Mr. Suman Das, Assistant Manager; are present before the Court today. The claimant is represented by Mr. S. Islam, learned counsel.

The learned Tribunal vide the judgment dated 25.01.20218, had awarded an amount of Rs. 6,64,896/- to the claimant and 50% of the said amount was directed to be paid by the New India Assurance Company Limited and the rest 50% to be paid by the Opposite Party No. 1 in the said proceeding i.e. the owner of the Truck.

Today, the claimant and the Insurance company have come to an agreement that the Insurance Company would pay an amount of Rs. 2,00,000/- to the claimant as a

full and final settlement of his claim. The claimant has undertaken that he would not make any further claim in the matter against the Opposite Party No. 1 in MAC. Case No. 2087/2013 i.e. the owner of the Truck and would have the matter settled with the amount now agreed to be paid by the insurance company. Accordingly, the New India Assurance Company Limited is required to deposit an amount of Rs. 2,00,000/- within a period of 45 days from today before the Registry of the Gauhati High Court. Failure to deposit the above-mentioned amount within the stipulated time by New India Assurance Company Limited, the above amount would carry an interest at the rate of 7% from the date of filing of the claim petition before the learned Tribunal.

The said amount on being deposited, shall be released to the claimant by the Registry upon furnishing of adequate documents for his identification and also the particulars of his Bank account.

Statutory deposit, if any, made by the Insurance Company being not a part of the amount so settled today; the same may be released to the Insurance Company on an application made by it in this connection.

The appeal accordingly stands disposed of in terms of the amicable settlement reached between the parties.

The compromise format signed by the parties is kept on record.

LCRs, if any, be remitted to the concerned Tribunal.

JUDGE

Comparing Assistant