

GAHC010215172024



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

Case No. : Review.Pet./188/2024

NEW INDIA ASSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87 MG ROAD,
FORT MUMBAI AND ITS REGIONAL OFFICE AT STAR CITY COMPLEX, 5TH
FOOR LACHIT NAGAR NEAR HANUMAN MANDIR, GS ROAD, GUWAHATI
781007

VERSUS

BISWAJIT CHANDA AND ANR
S/O SRI BIRENDRA CHANDA, R/O VILL-SUPRAKANDI, P.O.-MANIKGANJ,
P.S.-KARIMGANJ, DIST-KARIMGANJ, ASSAM,

2:MD. SAHIDUL ALAM KHAN
S/O MD. ATAUR RAHMAN KHAN
R/O VILL- LATU NAYABAZAR
P.O.-LATU
P.S.-KARIMGANJ
DIST-KARIMGANJ
ASSAM
PIN-788710 (OWNER CUM DRIVER OF THE VEHICLE NO. AS-10B/0117

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

Advocate for the Respondent : ,

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 04-12-2024

Heard Mr. R. Goswami, the learned counsel for the petitioner and also heard Mr. M. Talukdar, the learned counsel appearing for the respondent no. 1/claimant.

2. This is an application u/s 114 of the Code of Civil Procedure, 1908 for modification/vacation/alteration of the Judgment & Award dated 14.09.2024 passed by this Court in MAC Appeal No. 154/2021.

3. It is submitted by Mr. Goswami, learned counsel for the petitioner that the matter was finally decided before the Lok Adalt on 14.09.2024 and both the parties were agreed to settle the matter at Rs. 15,00,000/- as full and final settlement amount. But, inadvertently the parties failed to mention that earlier the respondent /claimant received an amount of Rs. 1,96,545/- which is to be deducted from the final awarded amount which is Rs. 15,00,000/- and the claimant/respondent no. 1 is to receive Rs. 13,03,455/- from the applicants/the insurance company.

4. Accordingly Mr. Talukdar also agreed the same and submits that the respondent/claimant has already received Rs. 1,96,545/- from the total awarded amount and remaining amount to be paid is Rs. 13,03,455/- out of finally settled amount of Rs. 15,00,000/-.

5. In view of the above, the order passed in the Lok Adalat dated 14.09.2024 is hereby modified and read as follows:-

“ORDER

The case is put up before the National Lok Adalat.

The Insurance Company is represented by its officials.

The claimant, is duly present along with his engaged counsel, Mr. M. Talukdar.

It is submitted that the earlier awarded amount was Rs. 13,19,406/- (Rupees thirteen lakhs nineteen thousand four hundred six) only and after negotiation both the parties are agreed to settle the matter on an amount of Rs. 15,00,000/- (Rupees fifteen lakhs) only as full and final settlement.

But, earlier the respondent /claimant received an amount of Rs. 1,96,545/- which is to be deducted from the final awarded amount which is Rs. 15,00,000/- and the claimant/respondent no. 1 is to receive Rs. 13,03,455/- from the applicants/the insurance company.

Accordingly, as agreed to by both the parties, the appellant/New India Assurance Company Ltd. is hereby directed to deposit the settled amount of Rs. 13,03,455/- (Rupees Thirteen lakhs Three thousand and Four hundred and Fifty-five) only subject to TDS deduction before the learned MACT, Silchar, within a period of 1 (one) month from today.

The claimant will be at liberty to withdraw the amount of Rs. 13,03,455/- (Rupees Thirteen lakhs Three thousand and Four hundred and Fifty-five) only on being proper identification of the claimant's bank details, Aadhar Card, Pan Card etc. Registry shall return the statutory deposited amount, if any, to the Insurance Company.

The appeal stands disposed of in terms above.”

6. The review petition is accordingly disposed of.

JUDGE

Comparing Assistant