

GAHC010216732024



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

Case No. : I.A.(Civil)/3659/2024

THE NEW INDIA ASSURANCE CO LTD
A COMPANY REGISTERED UNDER THE COMPANIES ACT 1956 .
REPRESENTED BY ITS REGIONAL MANAGER, ULUBARI, GUWAHATI 07

VERSUS

APARUPA GOGOI DEKA AND 4 ORS
W/O LATE SASANKA SAIKIA
RESIDENT OF SHANTIPUR WARD NO. 4, MORAN TOWN, PS MORANHAT,
SIVASAGAR, ASSAM

2:MISS JIGYASA SAIKIA
D/O LATE SASANKA SAIKIA
RESIDENT OF SHANTIPUR WARD NO. 4
MORAN TOWN
PS MORANHAT
SIVASAGAR
ASSAM

3:SMTI RENU PROVA SAIKIA
M/O LATE SASANKA SAIKIA
RESIDENT OF SHANTIPUR WARD NO. 4
MORAN TOWN
PS MORANHAT
SIVASAGAR
ASSAM

4:SRI NAGENDRA SINGH
S/O SRI DEV NANDAN SINGH

RESIDENT OF VILLAGE BORHAPJAN
PS DOOMDOOMA

DIST TINSUKIA ASSAM

5:JITEN KACHARI
S/O SRI A. KACHARI

RESIDENT OF VILLAGE BAZAL GAON
PO GHUMTIBIL
PS CHAPAKHOWA
DIST TINSUKIA
ASSA

Advocate for the Petitioner : MS L SHARMA,

Advocate for the Respondent : ,

Linked Case :

THE NEW INDIA ASSURANCE CO LTD

VERSUS

APARUPA GOGOI DEKA AND 4 ORS A

Advocate for : MS L SHARMA

Advocate for : appearing for APARUPA GOGOI DEKA AND 4 ORS A

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 14.12.2024

Mr. S. Das, Assistant Manager, New India Assurance Co. Ltd. along with
Ms. L. Sarma, learned counsel for the appellant is present.

2. Smt. Aparupa Gogoi Saikia, respondent no.1, Miss. Jigyasa Saikia, respondent no.2, and Smt. Renu Prova Saikia, respondent no.3 along with their learned counsel Mr. A. Bhattacharya are present.

3. The learned counsel for the appellant has submitted that a typographical error has crept in the cause-title of the interlocutory application and in the connected appeal. Instead of correct name, the name of respondent no.1 is typed out as Smt. Aparupa Gogoi Deka.

4. From the award passed by the learned Member, MACT, it appears that the correct name of respondent no.1 is Smt. Aparupa Gogoi Saikia.

3. After negotiated settlement, the parties have agreed for a total settlement amount of Rs.32,50,000/- (Rupees thirty two lakh fifty thousand only) as full and final settlement of all the claims of the respondent nos.1 to 3 against the judgment and award dated 18.05.2024, passed by the learned Member, Motor Accident Claims Tribunal No.1, Kamrup (M), Guwahati in MAC Case No. 1672/2016.

4. 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.

5. Both the parties shall put their signature in the pre-settlement compromise slip as token of acceptance for the settlement.

6. Accordingly, the New India Assurance Co. Ltd./ appellant shall deposit the settlement amount of Rs.32,50,000/- (Rupees thirty two lakh fifty thousand only) in favour of the respondent nos. 1 to 3 before the Motor Accident Claims Tribunal No.1, Kamrup (M), Guwahati within a period of 30 (thirty) days from the date of the this settlement order, failing which the amount shall carry

interest @ 9% per annum till the date of deposit.

7. The interest component would be subject to deduction of 10% TDS. Further, the certificate of TDS shall be provided to the claimants/ respondent no.1.

8. On such deposit being made, out of the settlement amount, a sum of Rs.9,75,000/- (Rupees nine lakh seventy five thousand only) shall be kept in a fixed deposit account in favour of the respondent no.2, Miss. Jigyasa Saikia (minor) till she attain the age of majority and the balance amount shall be paid to the respondent no.1 and 3 in equal proportion on satisfaction of their identity.

9. On furnishing proof of the deposit of the entire settlement amount, the Registry shall release the statutory deposit made by the appellant.

10. The matter is disposed of in this Lok Adalat.

JUDGE

Comparing Assistant