

GAHC010246762023



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

Case No. : MACApp./426/2023

NATIONAL INSURANCE COMPANY LTD.
HAVING ITS REGISTERED OFFICE AT 3, MIDDLETON STREET, KOLKATA
AND ONE OF THE REGIONAL OFFICES KNOWN AS GUWAHATI REGIONAL
OFFICE AT GS ROAD, BHANGAGARH, GUWAHATI 05

VERSUS

BHADRABATI GOGOI AND 4 ORS.
W/O LATE BOLIN CHANDRA GOGOI,
NIZ CHABUA NATUN GAON, PS CHABUA, DIBRUGARH, ASSAM, 786184

2:SRI RAMESH GOGOI
S/O LATE BOLIN CHANDRA GOGOI

NIZ CHABUA NATUN GAON
PS CHABUA
DIBRUGARH
ASSAM
786184

3:SRI RANJIT GOGOI
S/O LATE BOLIN CHANDRA GOGOI

NIZ CHABUA NATUN GAON
PS CHABUA
DIBRUGARH
ASSAM
786184

4:SRI AJIT PHUKAN
S/O LATE DURGADHAR PHUKAN
RAJABARI GAON

PHULUNGA GAON PS CHABUA
DIST DIBRUGARH
ASSAM 78614

5:SRI DONG STAIN PHUKAN
S/O SRI AJIT PHUKAN
RAJABARI GAON
PHULUNGA GAON
PS CHABUA
DIST DIBRUGARH
ASSAM 786184
ASSA

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent : MS. P BARUAH (r-4,5)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

09.03.2024

This is an appeal filed by the appellant- National Insurance Co. Ltd. (for short Insurance Company) against the judgment and award dated 05.08.2023 passed by the learned Member, MACT No.1, Kamrup in MAC Case No.111/2016 whereby an amount of Rs.28,65,288/- along with interest @ 6%, as compensation, was directed to be paid by the appellant-Insurance Company to the claimants-respondents.

2. Ms. Mary Pegu, Regional Manager of the National Insurance Company Ltd. and the claimants- Bhadrabati Gogoi along with his counsel, Shri D. Mondal are present today i.e., 09.03.2024 in the National Lok Adalat.

3. It has been informed that there were three claimants, the claimant No. 3 – Ranjit Gogoi has passed away and he has two children, namely, Prasujya Gogoi (son), who is aged about 20 years and Hirupriya Gogoi (daughter), who is aged

about 7 years.

4. Shri Mondal, learned counsel assisting the claimants – respondents has also informed that the surviving son – Shri Ranjit Gogoi is living separately and is not supporting the claimant No. 1 – mother and also does not have any objection in the manner of distribution of award.

5. The parties present before this Court jointly submit that the matter has been settled outside the Court and a total amount of Rs.34,00,000/- (Rupees thirty four lakh) inclusive of interest component, as full and final settlement has been agreed upon.

6. In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the total amount of Rs.34,00,000/- (Rupees thirty four lakh) the interest component, which has been worked out as Rs.5,34,712/- (Rupees five lakh, thirty four thousand and seven hundred twelve) being the full and final settlement before the Registry of this Court within a period of 45 days from today. The aforesaid interest component would however be subjected to necessary TDS.

7. The claimants would be at liberty to withdraw the aforesaid amount of Rs.34,00,000/- (Rupees thirty four lakh) (after deduction of TDS) on being properly identified by their learned counsel. The manner of release of the aforesaid amount would be in the following terms:

- i. Rs.4,00,000/- is directed to be released in the name of surviving son, Shri Ramesh Gogoi (son).
- ii. Rs.3,00,000/- is directed to be deposited in a Fixed Deposit scheme in the name of Prasujya Gogoi (son) in any nationalized bank

for a period of 3 years.

- iii. Rs.3,00,000/- is directed to be deposited in a Fixed Deposit scheme in the name of Hirupriya Gogoi (daughter) in any nationalized bank for a period of 3 years.
- iv. Balance amount be released in favour of the claimant no. 1 – Smti Bhadrabati Gogoi (wife).

8. The statutory deposit of Rs.25,000/- made by the Insurance Company at the time of filing of the appeal would be refunded by the Registry of this Court to the Insurance Company within the said period of 30 days.

9. The MAC appeal is accordingly disposed of.

JUDGE

Comparing Assistant