

GAHC010246962023



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

Case No. : MACApp./87/2024

ORIENTAL INSURANCE COMPANY LTD
(A CENTRAL GOVT. UNDERTAKING) HAVING ITS REGIONAL OFFICE AT
GUWAHATI, G.S. ROAD, ULUBARI, GUWAHATI- 781007, REP. BY THE
DEPUTY MANAGER, GAUHATI REGIONAL OFFICE, ULUBARI, GUWAHATI-
781005.

VERSUS

MOMSAHIDA KHATUN @ BEGUM AND 5 ORS.
W/O LATE ABBACH ALI,
VILL.- NO. 1 GADHOWA CHAPARI, P.O. AND P.S.- MANGALDAI, DIST.-
DARRANG, ASSAM, PIN- 784125. PRESENT ADDRESS-
C/O MONOWARA KHATUN,
VILL.- KATAHBARI, P.O. AND P.S.- GARCHUK, DIST.- KAMRUP (M), ASSAM,
PIN- 781035.

2:ASIYA
W/O LATE BASSU @ BACCHU

VILL.- NO. 1 GADHOWA CHAPARI
P.O. AND P.S.- MANGALDAI
DIST.- DARRANG
ASSAM
PIN- 784125. PRESENT ADDRESS-
C/O MONOWARA KHATUN

VILL.- KATAHBARI
P.O. AND P.S.- GARCHUK
DIST.- KAMRUP (M)
ASSAM
PIN- 781035.

3:ANJUMA BEGUM
D/O LATE ABBACH ALI

VILL.- NO. 1 GADHOWA CHAPARI
P.O. AND P.S.- MANGALDAI
DIST.- DARRANG
ASSAM
PIN- 784125. PRESENT ADDRESS-
C/O MONOWARA KHATUN

VILL.- KATAHBARI
P.O. AND P.S.- GARCHUK
DIST.- KAMRUP (M)
ASSAM
PIN- 781035.
(REP. BY RESPONDENT NO. 1).

4:SHADUYAT ALAM
S/O LATE ABBACH ALI

VILL.- NO. 1 GADHOWA CHAPARI
P.O. AND P.S.- MANGALDAI
DIST.- DARRANG
ASSAM
PIN- 784125. PRESENT ADDRESS-
C/O MONOWARA KHATUN

VILL.- KATAHBARI
P.O. AND P.S.- GARCHUK
DIST.- KAMRUP (M)
ASSAM
PIN- 781035.
(REP. BY RESPONDENT NO. 1).

5:DHANANJAY TIWARI
S/O B. TIWARI @ TIWARY

R/O ODALBAKRA
KANAKLATA PATH

P.O.- ODALBAKRA
P.S- DISPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 781034.

6:RAM BAHADUR CHETRI
S/O DIL BAHADUR CHETRI

R/O 2 NO. BIRKUCHI
KALITA KUCHI
GANESHNAGAR
P.O.- UDYAN BIHAR
P.S.- NUNMATI
DIST.- KAMRUP (M)
ASSAM
PIN- 781020

Advocate for the Petitioner : MS. R D MOZUMDAR, MR. S P SHARMA, MS. C MOZUMDAR

Advocate for the Respondent : MR. A R AGARWALA (r-1,3,4), MR A H TOUFIQ, MD. B
HUSSAIN, MR ADITYA AGARWALA (r-1,3,4)

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

14.12.2024

(K.R. Surana, J)

Mr. R. Pathak, Dy. Manager, Oriental Insurance Co. Ltd is present. The respondent nos. namely 1) Momsahida Khatun @ Begum, 2) Asiya 3) Anjuma Begum 4) Shaduyat Alam are present, out of which respondent no.3 and 4 are minors, aged 10 years and 6 years respectively.

2. Both parties have agreed that after negotiated settlement, the appellant i.e. Oriental Insurance Co. Ltd has agreed to pay a sum of Rs.17,50,000/-

(Rupees seventeen lakh fifty thousand only), as full and final settlement of all the claims of the respondent nos.1 to 6 against the order and award dated 25.07.2023, passed the learned Member, Motor Accident Claims Tribunal No.3, Kamrup(M), Guwahati Assam in MAC Case No.2067/2019.

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. Accordingly, out of the said sum, an amount of Rs.8,35,600/- (Rupees eight lakh thirty five thousand six hundred only) is stated to be a security deposit with the Registry of this Court. The said amount shall be released in favour of the respondent nos.1 to 4 as elaborated below.
6. The balance amount of Rs.9,14,400/- (Rupees nine lakh fourteen thousand four hundred only) shall be deposited by the appellant i.e. Oriental Insurance Co. Ltd before the Registry of this 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.
7. On such deposit being made, out of the total settlement amount of Rs.17,50,000/- (Rupees seventeen lakh fifty thousand only), a sum of Rs.3,00,000/- (Rupees three lakh only) each shall be kept in a fixed deposit account in the names of Anjuma Begum and Shaduyat Alam i.e. respondent no.3 and 4, till they attained the age of majority.
8. The balance amount of Rs.11,50,000/- (Rupees eleven lakh fifty thousand

only) shall be divided equally between respondent no.1 and 2 on satisfaction of their identity.

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

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

JUDGE

Comparing Assistant