

GAHC010251472023



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

Case No. : MACApp./408/2023

THE NATIONAL INSURANCE COMPANY LTD
HAVING ITS REGISTERED HEAD OFFICE AT 3, MIDDLETON STREET,
CALCUTTA- 700071 AND REGIONAL OFFICE AT BHANGAGARH,
GUWAHATI, REP. BY THE REGIONAL MANAGER, GUWAHATI REGIONAL
OFFICE, BHANGAGARH, GUWAHATI- 781005, DIST.- KAMRUP (METRO),
ASSAM.

VERSUS

PRANITA ROY AND 4 ORS.
W/O LATE KANDARPA ROY,
VILL.- SUKULAPAR (KALIBARI), P.O.- BAGHMARA BAZAR, P.S.-
PATACHARKUCHI, DIST.- BARPETA, ASSAM, PIN- 781328.

2:DIMPAL ROY
S/O LATE KANDARPA ROY

VILL.- SUKULAPAR (KALIBARI)
P.O.- BAGHMARA BAZAR
P.S.- PATACHARKUCHI
DIST.- BARPETA
ASSAM
PIN- 781328.

3:HARBALA ROY
M/O LATE KANDARPA ROY

VILL.- SUKULAPAR (KALIBARI)
P.O.- BAGHMARA BAZAR
P.S.- PATACHARKUCHI
DIST.- BARPETA
ASSAM
PIN- 781328.

4:GUNAJIT MEDHI

S/O SRI SUCHIL KUMAR MEDHI

VILL.- TUPLI PANBARI
P.O.- NITTANANDA
P.S.- PATACHARKUCHI
DIST.- BARPETA
ASSAM
PIN- 781328.

5: SUCHIL KUMAR MEDHI
S/O LATE HARICHARAN MEDHI

VILL.- TUPLI PANBARI
P.O.- NITTANANDA
P.S.- PATACHARKUCHI
DIST.- BARPETA
ASSAM
PIN- 781328

Advocate for the Petitioner : MS. D D BARMAN, MS G DAS

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.09.2024

This is an appeal filed by the appellant- National Insurance Company Ltd. (for short Insurance Company) against the judgment and award dated 31.07.2023 passed by the Learned Member, Motor Accident Claims Tribunal No.1, Kamrup (M) in MAC Case No. 439/2018.

2. Shri P.D. Bhutia, Regional Manager along with Shri Debajit Sarka, Assistant Manager of the Insurance Company and the claimant no. 2 – Shri Dimpal Roy and the claimant no. 3 – Smti. Harbala Roy along with their learned counsel, Shri M. Kalita are present today i.e., 14.09.2024 in the National Lok Adalat.

3. It is informed that the claimant no. 1 – Pranita Roy has passed away and

in this regard, death certificate has been placed.

4. The parties present before this Court jointly submit that the matter has been settled between the parties and a lump sum amount of Rs.14,50,000/- has been agreed upon.

5. In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the aforesaid amount of Rs.14,50,000/- being the full and final settlement before the Registry of this Court within a period of 45 days from today.

6. The manner of release of the aforesaid amount would be in the following terms:

i) Out of the aforesaid awarded amount of Rs.14,50,000/-, Rs.2,00,000/-, is directed to be released to the claimant no. 2 – Shri Dimpal Roy and Rs.5,00,00/- to the claimant no. 3 – Smti. Harbala Roy and the remaining amount of Rs.7,50,000/- is directed to be deposited in a Fixed Deposit scheme in the name of claimant no. 2 – Shri Dimpal Roy in any nationalized bank for a period of 3 years.

7. The claimants would be at liberty to withdraw the aforesaid amount on being properly identified by his learned counsel.

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

JUDGE

Comparing Assistant