

GAHC010215992019



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

Case No. : MACApp./594/2019

SMTI. MALABIKA SARMA GOGOI AND 2 ORS
W/O. LT. PRANAY SARMA, R/O. WARD NO.4, KORTIMARI, P.S.
GOSSAINGAON, DIST. KOKRAJHAR, ASSAM.

2: PARMITA SARMA
D/O. LT. PRANAY SARMA
R/O. WARD NO.4
KORTIMARI
P.S. GOSSAINGAON
DIST. KOKRAJHAR
ASSAM. BEING MINOR REP. BY HER MOTHER APPELLANT NO.1.

3: TANMOY SARMA
S/O. LT. PRANAY SARMA
R/O. WARD NO.4
KORTIMARI
P.S. GOSSAINGAON
DIST. KOKRAJHAR
ASSAM. BEING MINOR REP. BY HER MOTHER APPELLANT NO.1

VERSUS

M/S UNITED INDIA INSURANCE CO. LTD AND ANR
REGIONAL OFFICE, G.S. ROAD BHANGAGAR, GUWAHATI DIST. KAMRUP
(M), ASSAM, PIN-781005.

2:BINANDA RANGPI
S/O. LT. CHANDRA RONGPI
R/O. KAMAR TISSO GAON
P.S. HOWRAGHAT
P.O. HORAGHAT
DIST. KARBI ANGLONG
ASSAM
PIN-782481

Advocate for the Petitioner : MS. P BHATTACHARYA

Advocate for the Respondent : MRS. P M DUTTA

Linked Case : MACApp./752/2022

THE UNITED INDIA INSURANCE COMPANY LIMITED
HAVING ITS REGISTERED OFFICE AT 24 WHITES ROAD
CHENNAI- 600014 AND REGIONAL OFFICE AT CHIBBER HOUSE
G.S. ROAD
KAMRUP-5
REP. BY ITS REGIONAL MANAGER
REGIONAL OFFICE
KAMRUP. (INSURER OF THE VEHICLE NO. AS-09B-5828 (MOTOR CYCLE).

VERSUS

SMTI. MALABIKA SARMA GOGOI @ GOGOI SARMA AND 3 ORS
W/O- LATE PRANAY SARMA

2:MISS PARMITA SARMA
D/O- LATE PRANAY SARMA
(RESPONDENT NO. 2 BEING MINOR
BEING REP. BY HER MOTHER I.E. RESPONDENT NO. 1.)
3:SRI TANMOY SARMA
S/O- LATE PRANAY SARMA
(RESPONDENT NO. 3 BEING MINOR
BEING REP. BY HER MOTHER I.E. RESPONDENT NO. 1.)
ALL ARE RESIDENT OF WARD NO. 4
KORTIMARI
P.S. GOSSAIGAON
KOKRAJHAR
ASSAM.
4:SRI BINANDA RONGPI
S/O- LATE CHANDRA RONGPI
R/O- KAMAR TISSO GAON
P.S. HOWRAGHAT
KARBI ANGLONG. (OWNER AND DRIVER OF VEHICLE NO. AS-09B-5828
(MOTOR CYCLE).

Advocate for : MR. A DUTTA

Advocate for : appearing for SMTI. MALABIKA SARMA GOGOI @ GOGOI
SARMA AND 3 ORS

**BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

ORDER

Date : 11.05.2024

Both these cases are put up before the National Lok Adalat today.

The appellant in MAC Appeal No. 594/2019, Smt. Malabika Sarma Gogoi is present before the Court today.

The Insurance Company is represented by Mr. A. Munin Chowdhury, Regional Manager, United India Insurance Company Limited.

In the other MAC Appeal i.e., MAC Appeal No. 752/2022 which has been filed by the Insurance Company against the Judgment dated 10.06.2019 passed in MAC Case No. 1191/2016 by the learned Member, Motor Accident Claims Tribunal No. 3, Kamrup(M) both are same, namely, United India Insurance Company Limited and Malabika Sarma Gogoi.

Smt. Malabika Sarma Gogoi is the claimant No. 1, Claimant No. 2, namely, Miss Parmita Sarma, who is the daughter of the deceased and who has attained the age of majority is also present in the Court today. Sri Tanmoy Sarma, who is the minor son of the deceased is represented by his mother.

By the impugned judgment, the Insurance Company was directed to pay an amount of Rs.14,58,962/- (Rupees Fourteen Lakh Fifty Eight Thousand Nine Hundred Sixty Two) to the claimant. Now, the matter has been amicably settled between the parties at an amount of Rs.19,00,000/- (Rupees Nineteen Lakhs).

In view of the amicable settlement reached between the parties, this case is disposed of with a direction that the Insurance Company shall deposit the

settled amount of Rs.19,00,000/- (Rupees Nineteen Lakhs) to the Registry of this Court within a period of 45 days from the date of this order and on such deposit, the Registry shall disburse the said amount.

Keeping out of the disbursed amount as directed by the impugned order, an amount of Rs.3,00,000/- (Rupees Three Lakh) would be kept in Nationalised Bank as fixed deposit in the name of the claimant No. 3, who is still a minor, namely, Sri Tanmoy Sarma.

As regards the other two claimants, as the claimant No. 2 has already attained her majority and claimant No. 1 is major, the fixed deposit did not to be open and the amount may be disbursed to the claimants by the Registry on verification of claimant Nos. 1 and 2 and verification of their bank details.

This case is accordingly disposed of.

The statutory deposit made by the appellant in MAC Appeal No. 752/2022 shall be returned back to the Insurance Company.

JUDGE

Comparing Assistant