

GAHC010259842023



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

Case No. : MACApp./451/2023

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

VERSUS

KALIMA SHEKH AND 4 ORS.
W/O LATE HAKIM SHEKH,
VILL.- HIJUGURI, MAHADEV ROAD,
P.O. AND P.S.- TINSUKIA,
DIST.- TINSUKIA, ASSAM, PIN- 781328.

2:MD. HALIM SHEKH
S/O LATE HALIM SHEKH

VILL.- HIJUGURI
MAHADEV ROAD

P.O. AND P.S.- TINSUKIA

DIST.- TINSUKIA
ASSAM
PIN- 781328.

3:MD. AZID AHMED
S/O LATE HAKIM SHEKH

VILL.- HIJUGURI
MAHADEV ROAD

P.O. AND P.S.- TINSUKIA

DIST.- TINSUKIA
ASSAM
PIN- 781328.

4:MD. JAVED AHMED
S/O LATE HAKIM SHEKH

VILL.- HIJUGURI
MAHADEV ROAD

P.O. AND P.S.- TINSUKIA

DIST.- TINSUKIA
ASSAM
PIN- 781328.

5:DULAL BURAGOHAIN
S/O SRI BHOGESWAR BURAGOHAIN

VILL.- CHEKURIA GAON
BIRENASAYEK
P.S.- JORHAT
DIST.- JORHAT
ASSAM.

6:MD. NABUL AHMED
S/O MD. RAFIK AHMED

VILL.- JALAN NAGAR
P.S.- DIBRUGARH
DIST.- DIBRUGARH
ASSAM

Advocate for the Petitioner : MRS. D DAS BARMAN

Advocate for the Respondent : MR D MONDAL

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

09.03.2024

This is an appeal filed by the appellant-National Insurance Company Ltd. (for short Insurance Company) against the judgment and award dated 17.08.2023 passed by the Motor Accident Claims Tribunal No. 3, Kamrup (M), Guwahati in MAC Case No. 2895/2016 whereby an amount of Rs.12,81,142/- along with 9% interest per annum, as compensation, was directed to be paid by the appellant-Insurance Company to the claimant-respondent.

Ms. Mary Pegu, Regional Manager of the Insurance Company and the claimant no. 1. Ms. Kalima Shekh; 2. Md. Halim Shekh; 3. Md. Azid Ahmed and 4. Md. Javed Ahmed along with their counsel, Shri D Mondal are present today i.e., 09.03.2024 in the National Lok Adalat.

The parties present before this Court jointly submit that the matter has been settled between the parties at a lump sum amount of Rs.11,90,571/-.

It is submitted that an amount of Rs. 6,40,571/- was deposited by the Insurance Company which is yet to be withdrawn by the claimants.

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

At this stage, the claimant nos. 2, 3, and 4, who are the sons of the claimant no. 1 have submitted that the aforesaid amount be released in the name of their mother-claimant no.1.

Accordingly, the claimant no. 1 would be at liberty to withdraw the aforesaid amount on being properly identified by her learned counsel.

Further, in terms of the earlier direction, the claimant no. 1-Kalima Shekh shall open a FD of Rs. 5,00,000/- in her name in any nationalized bank for a period of 5 years.

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.

Send back the LCR, if any.

JUDGE

Comparing Assistant