

GAHC010272592023



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

Case No. : MACApp./460/2023

NATIONAL INSURANCE COMPANY LIMITED
A COMPANY REGISTERED AND INCORPORATED UNDER THE COMPANIES
ACT, 1956, HAVING ITS REGISTERED OFFICE AT 3, MIDDLETON STREET,
KOLKATA AND ONE OF ITS REGIONAL OFFICE AT G.S. ROAD,
BHANGAGARH, GUWAHATI, REP. BY ITS REGIONAL MANAGER,
GUWAHATI (ASSAM).

VERSUS

MAMONI BASUMATARI AND 4 ORS.
W/O LATE RATAN BASUMATARY,
VILL.- SAHARIA GAON, P.S.- BATADROBA, DIST.- NAGAON, ASSAM, PIN-
782126.

2:JINTU BASUMATARY
S/O LATE RATAN BASUMATARY

VILL.- SAHARIA GAON
P.S.- BATADROBA
DIST.- NAGAON
ASSAM
PIN- 782126.

3:RUHIT BASUMATARY
S/O LATE RATAN BASUMATARY

VILL.- SAHARIA GAON
P.S.- BATADROBA
DIST.- NAGAON
ASSAM
PIN- 782126.
(BEING MINOR

REP. BY HIS MOTHER
THE RESPONDENT NO. 1).

4:HEMANTA BORA
S/O PADMA KANTA BORA

R/O TELIA PAHUKATA
P.O.- PALASANI
P.S.- SADAR
NAGAON
DIST.- NAGAON
ASSAM
PIN- 782003.

5:PAWAN BANIA
S/O SRI D.N. BANIA

R/O BIRAH BEBEJIA
P.O.- NAGAON
DIST.- NAGAON
ASSAM
PIN- 782142

Advocate for the Petitioner : MRS. S ROY

Advocate for the Respondent : FOR CAVEATOR

**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. 2, Kamrup (M), Guwahati in MAC Case No. 2655/2019 whereby an amount of Rs.15,09,000/- along with 9% interest, as compensation, was directed to be paid by the appellant-Insurance Company to the claimants-respondents.

Ms. Mary Pegu, Regional Manager of the Insurance Company and the

claimant nos. 1. Ms. Mamoni Basumatari; 2. Shri Jintu Basumatary and 3. Ruhiti Basumatary along with their counsel, Shri K Ali 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 and a lump sum amount Rs.17,00,000/- as full and final settlement has been agreed upon.

In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the amount of Rs.17,00,000/- being the full and final settlement before the Registry of this Court within a period of 45 days from today.

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

- i) Out of the aforesaid awarded amount of Rs.17,00,000/-, Rs. 3,00,000/-, each is directed to be deposited in a Fixed Deposit scheme in the names of claimant no. 2-Shri Jintu Basumatary and no. 3-Ruhiti Basumatary in any nationalized bank for a period of 3 years.

The claimant no. 1 would be at liberty to withdraw the remaining amount of Rs. 11,00,000/- on being properly identified by her learned counsel.

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.

JUDGE

Comparing Assistant