

GAHC010275842023



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

Case No. : MACApp./106/2024

THE NEW INDIA ASSURANCE CO. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT, 1956.
REPRESENTED BY ITS REGIONAL MANAGER, GS ROAD, GUWAHATI 7

VERSUS

SYEADA AYESHA SIDDIKA AND 6 ORS E
W/O LATE AMINUR HUSSAIN RESIDENT OF VILLAGE KIMOTPUR, WARD
NO. 15, PO BALADMARI, PS AND DIST GOALPARA, ASSAM, 783121

2:ARIZ ARHAN RABBANI
MINOR SON OF LATE AMINUR HUSSAIN
RESIDENT OF VILLAGE KIMOTPUR
WARD NO. 15
PO BALADMARI
PS AND DIST GOALPARA
ASSAM
783121
TO BE REP. BY. RES. NO. 1

3:AHIL RABBANI
MINOR SON OF LATE AMINUR HUSSAIN
RESIDENT OF VILLAGE KIMOTPUR
WARD NO. 15
PO BALADMARI
PS AND DIST GOALPARA
ASSAM
783121
TO BE REP. BY. RES. NO. 1

4:MOHIBUL HUSSAIN
S/O LATE MOHAMMAD HUSSAIN

RESIDENT OF VILLAGE KIMOTPUR
WARD NO. 15
PO BALADMARI
PS AND DIST GOALPARA
ASSAM
783121

5:ANAR KALI BEGUM
W/O MOHIBUL HUSSAIN

RESIDENT OF VILLAGE KIMOTPUR
WARD NO. 15
PO BALADMARI
PS AND DIST GOALPARA
ASSAM
78312

Advocate for the Petitioner : MRS B ACHARYA

Advocate for the Respondent : MR. A R AGARWALA (r-1 to 5)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

09.03.2024

This is an appeal filed by the appellant-New India Assurance Co. Ltd. (for short Insurance Company) against the judgment and award dated 31.07.2023 passed by the learned MACT, Goalpara in MAC Case No.235/2019 whereby an amount of Rs.56,91,100/-, as compensation, was directed to be paid by the appellant-Insurance Company to the claimants-respondents.

2. Ms. Hena Haflongbar, Assistant Manager of the Insurance Company and the claimant no. 1 – Syeada Ayesha Siddika along with her learned counsel Shri Mohiruddin are present today i.e., 09.03.2024 in the National Lok Adalat.

3. The parties present before this Court jointly submit that the matter has been settled outside the Court and a lump sum amount of Rs.43,50,000/-

(Rupees forty three lakh and fifty thousand) as full and final settlement has been agreed upon.

4. In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the agreed amount of Rs.43,50,000/- (Rupees forty three lakh and fifty thousand) before the learned MACT, Goalpara within a period of 45 days from today.

5. The claimants would be at liberty to withdraw the total amount of Rs.43,50,000/- (Rupees forty three lakh and fifty thousand) on being properly identified by their learned counsel. The manner of release of the aforesaid amount would be in the following terms:

- i. Rs.8,00,000/- is directed to be deposited in a Fixed Deposit scheme in the name of claimant no. 1- Syeada Ayesha Siddika (wife) in any nationalized bank for a period of 3 years.
- ii. Rs.10,00,000/- is directed to be deposited in a Fixed Deposit scheme in the name of claimant no. 2- Ariz Arhan Rabbani (son) in any nationalized bank for a period of 3 years.
- iii. Rs.10,00,000/- is directed to be deposited in a Fixed Deposit scheme in the name of claimant no. 3- Ahil Rabbani (son) in any nationalized bank for a period of 3 years.
- iv. Out of the remaining amount, an amount of Rs.2,00,000/- is directed to be released in favour of the claimant no. 4 – Mohibul Hussain (father) and Rs.5,00,000/- is directed to be released in favour of the claimant no. 5 – Anar Kali Begum (mother).
- v. Balance amount of Rs.8,50,000/- be released in favour of the

claimant No. 1 – Syeada Ayesha Siddika.

6. The statutory deposit of Rs.25,000/- made by the Insurance Company at the time of filing of the appeal would be refunded by the Registry of this Court to the Insurance Company within the said period of 60 days.
7. The MAC appeal is accordingly disposed of.

JUDGE

Comparing Assistant