

GAHC010305222019



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

Case No. : MACApp./293/2020

UNITED INDIA INSURANCE CO. LTD.,
HAVING ITS REGISTERED AND HEAD OFFICE AT 24 WHITES ROAD,
CHENNAI- 600014 AND ONE OF THE REGIONAL OFFICE AT M.S.S. PATH
(G.S. ROAD), DISPUR, GUWAHATI- 781005.

VERSUS

MUSSTT NARGIS SULTANA LASKAR AND 12 ORS
W/O- MD. KHALILUR RAHMAN LASKAR

2:MD. KHALILUR RAHMAN LASKAR
S/O- LATE HABIBUR RAHMAN LASKAR

3:MD. MASUK ALAM LASKAR
S/O- KHALILUR RAHMAN LASKAR

4:MD. MASUM ALAM LASKAR
S/O- KHALILUR RAHMAN LASKAR

5:MISS MASUMA AKTAR LASKAR
D/O- KHALILUR RAHMAN LASKAR

6:MISS JANNAT AKTAR LASKAR
D/O- KHALILUR RAHMAN LASKAR

7:MD. SADDIK ALAM LASKAR
S/O- KHALILUR RAHMAN LASKAR

8:MD. MEHBUB ALAM LASKAR
S/O- KHALILUR RAHMAN LASKAR
ALL ARE RESIDENT OF VILL.- CHIRUKANDI
P.O. TARAPUR

P.S. SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788003. (RESPONDENT NO. 1 WILL RESPONDENT NOS. 5
6
7 AND 8 AS THEY ARE MINOR).

9:MD. MAHI UDDIN LASKAR
S/O- LATE ASHAHID ALI LASKAR
R/O- VILL.- KAPTANPUR PT-XVIII
P.O. AND P.S. LAKHIPUR
DIST.- CACHAR
ASSAM
PIN- 788103.

10:MD. TAIBUR RAHMAN LASKAR
S/O- AZIR UDDIN LASKAR
R/O- VILL.- BAKRIHAWAR PART-I
P.O. AND P.S. PANCHGRAM
DIST.- HAILAKANDI
ASSAM
PIN- 788802.

11:KANCHAN KANTI DEY
S/O- MILON KANTI DEY
R/O- E AND D COLONY
TARAPUR
P.O. AND P.S. SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788003.

12:TAPAN KANTI DEY
S/O- SRI MILON KANTI DEY
R/O- TARAPUR
GABINDA NAGAR
P.O. CHIRUKANDI
PS. SILCHAR
DIST.- CACHAR
ASSAM
PIN- 788003.

13:THE ORIENTAL INSURANCE COMPANY LIMITED
DIVISIONAL MANAGER
PWD ROAD
TOWN CLUB BUILDING
P.O. AND P.S. SILCHAR
DIST.- CACHAR

ASSAM
PIN- 788001
REP. BY THE CHIEF REGIONAL MANAGER
REGIONAL OFFICE
M.S.S. PATH
ULUBARI
GUWAHATI-7

Advocate for the Petitioner : MR. A J SAIKIA, MR G S BORO

Advocate for the Respondent : MR. S P SHARMA, MR. S DUTTA (R-13),MS M BORCHETIYA (R-13),MR. S DUTTA (R-13),MR. M TALUKDAR,MR Z HUSSAIN (R-11,12),MS. R D MOZUMDAR,MS. C MOZUMDAR

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.09.2024

This is an appeal filed by the appellant-United India Insurance Co. Ltd. (for short Insurance Company) against the judgment and award dated 09.09.2019 passed by the learned Member, Motor Accident Claims Tribunal, Cachar at Silchar (for short MACT, Cachar) in MAC Case No. 15/2016 whereby an amount of Rs. 13,90,800/- was directed to be paid by the Insurance Company.

At the outset, it has been informed that the claimant no. 1-Musst. Nargis Sultana Laskar and claimant no. 2-Md. Khalilur Rahman Laskar have expired in the meantime.

Shri A Munin Chowdhury, Regional Manager of the Insurance Company and the claimant nos. 3-Md. Masuk Alam Laskar; 4-Md. Masum Alam Laskar; 5-Miss. Masuma Aktar Laskar; 6-Miss. Jannat Aktar Laskar; 7-Md. Saddik Alam Laskar and 8-Md. Mehbub Alam Laskar along with their learned counsel, Shri M Talukdar are present today i.e., 14.09.2024 in the National Lok Adalat.

It is submitted that out of the aforesaid awarded amount, an amount of Rs.

6,95,400/- has already been paid by the Insurance Company.

The parties present before this Court jointly submit that the matter has been settled between the parties and an amount of Rs.8,50,000/- 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.8,50,000/- being the full and final settlement before the MACT, Silchar within a period of 45 days from today.

The claimants would be at liberty to withdraw the aforesaid amount on being properly identified by their learned counsel. The manner of release of the aforesaid amount would be in the following terms:

- i) Out of the aforesaid amount of Rs.8,50,000/-, Rs.1,50,000/- is directed to be released in favour of the claimant no. 3-Md. Masuk Alam Laskar,
- ii) Rs. 1,40,000/- each is directed to be released in favour of the claimant nos. 4-Md. Masum Alam Laskar; 5-Miss. Masuma Aktar Laskar; 6-Miss. Jannat Aktar Laskar; 7-Md. Saddik Alam Laskar and 8-Md. Mehbub Alam Laskar.

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 LCRs.

JUDGE

Comparing Assistant