GAHC010105402018

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

Case No. : MACApp./431/2018

KANIKA RABHA AND 2 ORS
W/O LATE JOYTI PRASAD RABHA, R/O VILL. BHOGDABARI, P.O. BOKO, DIST. KAMRUP (ASSAM)

2: DIMPI RABHA
D/O LATE JYOTI PRASAD RABHA
R/O VILL. BHOGDABARI
P.O. BOKO
DIST. KAMRUP (ASSAM)

3: KANCHAN RABHA
W/O RAJDHAR RABHA
(APPELLANT NO. 2 BEING MINOR REPRESENTED BY APPELLANT NO. 1 AS BEING MOTHER)
R/O VILL. BHOGDABARI
P.O. BOKO
DIST. KAMRUP (ASSAM

VERSUS

THE REGIONAL MANAGER UNITED INDIA INSURANCE CO. LTD AND ANR
UNITED INDIA INSURANCE CO. LTD. , CHRISTIAN BASTI, G.S. ROAD, GUWAHATI 781005, ASSAM.

2:BHIM PAUL
S/O GIREN PAUL
VILL. AND P.O. BOKO 781123
DIST. KAMRUP
ASSAM

Advocate for the Petitioner : MR. A R AGARWALA

Advocate for the Respondent : MR. B J MUKHERJEE (R1)

BEFORE
HONOURABLE MR. JUSTICE HITESH KUMAR SARMA

ORDER

Date : 12-12-2020

The appellant, Kanika Rabha and Kanchan Rabha are personally present.

Mr. N.R. Bala, Regional Manager, Mr. G.C. Dey, Manager, Mr. N Touthang, Deputy Manager and Mr. A. Das, Admn. Officer of the United India Insurance Company are present.

Since the appellant No. 2, Dimpi Rabha is a minor, being natural guardian, appellant Kanika Rabha, represents the appellant No. 2.

Kanchan Rabha is the mother of the deceased, the claimant No. 4, Rajdhar Rabha has not turned up although the appellants present before this Lok Adalat today have stated that Rajdhar Rabha is also a party to the settlement.

To avoid further delay, as agreed to between the parties, this appeal is settled at an amount of Rs.3,25,000/- in addition to the amount of Rs.10,63,000/-, as awarded by the learned Tribunal below. The claimant No. 4, Rajdhar Rabha shall appear before the Registry at the time of releasing the cheque in respect of the aforesaid amount and on that day, he will also sign the settlement document.

The signature of the appellants present be taken today in the settlement format and in the said format, the appellant Dimpi Rabha be represented by the aforesaid Kanika Rabha.

Accordingly, the Insurance Company shall deposit the settled amount of Rs.3,25,000/- (Rupees Three Lakhs Twenty Five Thousand only), with the Registry of this Court, within 45 days from today. The amount be paid with the Registry of this Court in the form of a cheque, which shall be disbursed in favour of the appellants by the Registry after necessary verification.

Out of the settled amount, 50% be fixed deposited in any scheduled Bank in equal proportion.

It is made clear that if the said amount of Rs.3,25,000/- is not deposited, on expiry of 45th day, it will carry an interest at the rate of 7% p.a.

The MAC Appeal stands closed in terms of amicable settlement reached between the parties.

JUDGE

Comparing Assistant