GAHC010152832017

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

Case No. : MACApp./626/2017

M/S BAJAJ ALLIANZ GENERAL
INSURANCE CO. LTD. HAVING ITS REGISTERED OFFICE AT GE PLAZA, AIRPORT ROAD, YERWADA, PUNE 411006 AND A BRANCH OFFICE AT B.BAROOAH ROAD, ULUBARI, GUWAHATI.

VERSUS

MUSTT ABJAN NESSA and 3 ORS
W/O MD. OHED ALI, R/O VILL. BALIGAON, P.O. BASHBERA, P.S. THELAMARA, DIST. SONITPUR, ASSAM, PIN 784149

2:MUSTT MORJINA KHATUN

W/O LT NIZAMUDDIN @ NIZAM ALI
R/O VILL. BALIGAON
P.O. BASHBERA
P.S. THELAMARA
DIST. SONITPUR
ASSAM
PIN 784149

3:DIPANKAR CHOUDHURY
S/O SRI HAREN CHOUDHURY
VILL. BALIGAON
P.O. BASHBERA
P.S. THELAMARA
DIST. SONITPUR
ASSAM
PIN 784149

4:MD. ABDUL KARIM

S/O MAHAMMAD ALI
VILL. NO. 1 DOLABARI
P.O. TEZPUR
DIST. SONITPUR
ASSAM
PIN 78402

Advocate for the Petitioner : MS.L SHARMA

Advocate for the Respondent :

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 12-12-2020

This is an appeal filed by the appellant-Bajaj Allianz General Insurance Company Ltd. (for short Insurance Company) against the judgment and award dated 26.03.2015 passed by the Motor Accidents Claims Tribunal, Sonitpur, Tezpur (for short MACT, Tezpur) in MAC Case No.47/2010 whereby an amount of Rs.10,28,250/-, as compensation, was directed to be paid by the appellant-Insurance Company to the respondent nos. 1 and 2-claimants for the death of claimants' son/husband in a motor vehicular accident.

Shri Nayan Choudhury, Executive Legal Officer of the Insurance Company along with Shri T Kalita, learned counsel representing the appellant-Insurance Company as well claimants-respondent nos. 1. Mustt. Abjan Nessa and 2. Mustt. Morjina Khatun are present today i.e., 12.12.2020 in the National Lok Adalat.

The parties present before this Court submit that they have arrived at an out of Court settlement and therefore would not like to continue with the present proceeding.

The appellant-Insurance Company submits that out of the settled/agreeable amount of Rs.12,00,000/-, an amount of Rs.7,19,775 has already been paid to the claimants.

In view of the above, the appeal stands closed with a direction that the appellant-Insurance Company shall deposit the remaining amount of Rs.4,80,225/- being the full and final settlement before the learned MACT, Tezpur within a period of 45 days from

today. The statutory deposit of Rs.25,000/-, which was made at the time of filing the appeal, if, in the meantime, withdrawn by the respondent claimants, would be deducted from the awarded amount.

The awarded amount may be withdrawn by the aforementioned claimants from the MACT, Tezpur on being duly identified by the learned counsel for the claimants.

The appeal stands disposed of.

JUDGE

Comparing Assistant