GAHC010203792019

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

Case No. : MACApp./523/2019

JOHIRUDDIN @ JOHIRUDDIN SHEIKH AND 5 ORS
S/O LT. AFRAJ ALI, PERMANENT R/O VILL. CHEDAMARI, P.S. JOGIGHOPA, DIST. BANGAIGAON, ASSAM, HAVING TEMPORARY RESIDENCE AT MOYLAPATHER , P.S. GOALPARA, DIST. GOALPARA, ASSAM

2: SUR BHABU @ CHUR BHANU
W/O LT. JOHIRUDDIN SHEIKH
PERMANENT R/O VILL. CHEDAMARI
P.S. JOGIGHOPA
DIST. BANGAIGAON
ASSAM
HAVING TEMPORARY RESIDENCE AT MOYLAPATHER
P.S. GOALPARA
DIST. GOALPARA
ASSAM

3: AFRUJA BHUYAN
W/O LT. AZAHAR ALI
PERMANENT R/O VILL. CHEDAMARI
P.S. JOGIGHOPA
DIST. BANGAIGAON
ASSAM
HAVING TEMPORARY RESIDENCE AT MOYLAPATHER
P.S. GOALPARA
DIST. GOALPARA
ASSAM

4: AJMIRA KHATUN
MINOR DAUGHTER OF LT. AZAHAR ALI
PERMANENT R/O VILL. CHEDAMARI
P.S. JOGIGHOPA

DIST. BANGAIGAON
ASSAM
HAVING TEMPORARY RESIDENCE AT MOYLAPATHER
P.S. GOALPARA
DIST. GOALPARA
ASSAM

5: SUHANA AKTARA
MINOR DAUGHTER OF LT. AZAHAR ALI
PERMANENT R/O VILL. CHEDAMARI
P.S. JOGIGHOPA
DIST. BANGAIGAON
ASSAM
HAVING TEMPORARY RESIDENCE AT MOYLAPATHER
P.S. GOALPARA
DIST. GOALPARA
ASSAM

6: AFSANA
MINOR DAUGHTER OF LT. AZAHAR ALI
PERMANENT R/O VILL. CHEDAMARI
P.S. JOGIGHOPA
DIST. BANGAIGAON
ASSAM
HAVING TEMPORARY RESIDENCE AT MOYLAPATHER
P.S. GOALPARA
DIST. GOALPARA
ASSAM. (APPELLANTS NO. 4
5 AND 6 ARE BEING REP. BY THEIR MOTHER AFRUJA BHUYAN
APPELLANT NO. 3

VERSUS

NEW INDIA ASSURANCE COMPANY LIMITED AND 2 ORS
REP. BY THE DIVISIONAL MANAGER MAIN ROAD, BONGAIGAON, P.O. BONGAIGAON, P.S. BONGAIGAON, DIST. BONGAIGAON, ASSAM-783380
(INSURER OF THE VEHICLE NO. AS-19-E-7046)

2:EKRAMUL HUSSAIN
S/O ABU SAYED
R/O VILL. CHEDAMARI
P.O. BALAPARA
DIST. BONGAIGAON
ASSAM-783382(OWNER OF THE VEHICLE NO. AS-19-E-7046)

3:OSMAN GONI
S/O AJIJUR RAHMAN
R/O VILL. DOLONIBIL

P.O. BALAPARA
DIST. BONGAIGAON
ASSAM- 783382, (DRIVER OF THE VEHICLE NO. AS-19-E-7046

Advocate for the Petitioner : MR. D DAS

Advocate for the Respondent : MR. R GOSWAMI

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

Date : 12-12-2020

This is an appeal filed by the appellants-claimants against the judgment and award dated 10.05.2019 passed by the Motor Accident Claims Tribunal, Goalpara (for short MACT, Goalpara) in MAC Case No.132/2018 praying for enhancement of the award of Rs.9,25,714/-, as compensation, for the death of one Azahar Ali @ Ajahar Ali on 03.03.2018 in a motor vehicular accident.

Shri AK Barman, Regional Manager, New India Assurance Company Ltd. (Insurance Company) as well as 1. Johiruddin @ Johiruddin Sheikh, 2. Sur Bhabu @ chur Bhanu and 3. Afruja Bhuyan-claimants are present today i.e., 12.12.2020 in the National Lok Adalat. Appellant-claimant nos. 4, 5 and 6 are minors and are represented by appellant-claimant no. 3.

The parties present before this Court jointly submit that the matter has been settled outside the Court and an additional amount Rs.4,30,000/- as full and final settlement has been agreed upon over and above the awarded amount of Rs.9,25,714/-.

In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the additional amount of Rs.4,30,000/- being the full and final settlement before the learned MACT, Goalpara within a period of 45 days from today.

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

The appeal stands disposed of.

JUDGE

Comparing Assistant