GAHC010286532019

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

Case No. : MACApp./642/2019

SENGCHINA MARAK AND 4 ORS.
WIFE OF LATE KAMALESWAR RABHA, RESIDENT OF VILLAGE BANDAKO-1, POST OFFICE AND POLICE STATION MENDHIPATHAR, DISTRICT NORTH GARO HILLS, MEGHALAYA

2: NISANBALA RABHA
WIFE OF LATE GOBINDA RABHA
REPRESENTED BY SENGCHINA MARAK
RESIDENT OF VILLAGE BANDAKO-1
POST OFFICE AND POLICE STATION MENDHIPATHAR
DISTRICT NORTH GARO HILLS
MEGHALAYA

3: NOKRIKMA G. MARAK
DAUGHTER OF LATE KAMALESWAR RABHA
REPRESENTED BY SENGCHINA MARAK
RESIDENT OF VILLAGE BANDAKO-1
POST OFFICE AND POLICE STATION MENDHIPATHAR
DISTRICT NORTH GARO HILLS
MEGHALAYA

4: NOKNASA G MARAK
DAUGHTER OF LATE KAMALESWAR RABHA
REPRESENTED BY SENGCHINA MARAK
RESIDENT OF VILLAGE BANDAKO-1
POST OFFICE AND POLICE STATION MENDHIPATHAR
DISTRICT NORTH GARO HILLS
MEGHALAYA

5: NOKSANSA G. MARAK
DAUGHTER OF LATE KAMALESWAR RABHA
REPRESENTED BY SENGCHINA MARAK
RESIDENT OF VILLAGE BANDAKO-1
POST OFFICE AND POLICE STATION MENDHIPATHAR

DISTRICT NORTH GARO HILLS
MEGHALAY

VERSUS

NEW INDIA ASSURANCE CO. LTD. AND 2 ORS.
REPRESENTED BY ITS DIVISIONAL MANAGER, BONGAIGAON DIVISION
AT BONGAIGAON, POST OFFICE AND POLICE STATION BONGAIGAON,
DISTRICT BONGAIGAON, ASSAM-783380
(INSURER OF THE VEHICLE NO. AS-18/A-2799) (TRUCK)

2:LALA RAM PRAJAPAT
SON OF R.L. PRAJAPAT
RESIDENT OF DURGAMANDIR
POST OFFICE BALADMARI
POLICE STATION GOALPARA
DISTRICT GOALPARA
ASSAM-783121
(OWNER OF THE VEHICLE NO. AS-18/A-2799) (TRUCK)

3:NASIRUDDIN AHMED
SON OF DOSHIMUDDIN SK
RESIDENT OF PAIKAN PART-I
POST OFFICE AND POLICE STATION KRISHNAI
DISTRICT GOALPARA
ASSAM-783126
(DRIVER OF THE VEHICLE NO. AS-18/A-2799) (TRUCK

Advocate for the Petitioner : MR. D DAS

Advocate for the Respondent : MR. K K BHATTA

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 03.09.2019 passed by the Motor Accidents Claims Tribunal, Goalpara (for short MACT, Goalpara) in MAC Case No.116/2015 praying for enhancement of the award of Rs.11,91,000/-, as compensation, for the death of one Komleswar Rabha in a motor vehicular accident.

Shri AK Barman, Regional Manager, New India Assurance Company Ltd. (Insurance Company) as well Ms. Sengchina Marak-claimant no. 1, who is the mother of the claimant nos. 3, 4 and 5 (all minors) is present today i.e., 12.12.2020 in the National Lok Adalat. Claimant no. 2 is ailing and represented by Ms. Sengchina Marak.

The parties present before this Court jointly submit that the matter has been settled outside the Court and an additional amount of Rs.5,52,600/- as full and final settlement has been agreed upon over and above the awarded amount of Rs.11,91,000/-.

In view of the above, the appeal stands closed with a direction that the Insurance Company shall deposit the additional amount of Rs.5,52,600/- 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