

GAHC010003092017



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

Case No. : MACApp./144/2018

NEW INDIA ASSURANCE COMPANY LTD
HAVING ITS REGISTERED OFFICE AND HEAD OFFICE AT 87, M.G.
ROAD,FORT, MUMBAI AND ITS REGIONAL OFFICE AT G.S. ROAD,
BHANGAGARH, GUWAHATI.

VERSUS

MD IRIDISH ALI and 5 ORS
S/O LATE GANI SK
VILLAGE -SARPARA
P.O. BIJAYNAGAR ,P.S. PALASHBARI
DIST. KAMRUP, ASSAM ,PIN. 781122. (CLAIMANTS)

2:MAIKON BIBI
W/O MD IRIDISH ALI
VILLAGE -SARPARA
P.O. BIJAYNAGAR
P.S. PALASHBARI
DIST. KAMRUP
ASSAM
PIN. 781122. (CLAIMANTS)

3:SIBU CHANDA
S/O LATE NIRMAL KR. CHANDA R/O VILLAGE - SOUTH TOKRACHARA
P.S .GOLAKGANJ

DIST. DHUBRI
ASSAM PIN. 783334
(OWNER OF THE VEHICLE NO. AS- 17/7152 (BUS))

4:SANKAR DUTTA
S/O SRI SANTI DUTTA WARD NO .II

P.O. CHAPAR
P.S. CHAPAR
DIST. DHUBRI
ASSAM. PIN.7833371.(OWNER OF THE VEHISLE NO. AS- 21/ 5029(TRUCK))

5:BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD
2B
2ND FLOOR
CENTRE POINT
G.S. ROAD ULUBARI
GHY- 07.
(INSURER OF THE VEHICLE NO. AS -21 /5029(TRUCK))

6:MD SAHIDUL HAQUE
S/O LATE KHALILUDDIN SK
R/O VILLAGE -UTTAR RAJPUR
P.S. GOLAKGANJ
DISTRICT. DHUBRI
ASSAM. PIN 783334
(DRIVER OF THE VEHICLE NO. AS - 17/7152(BUS)

Advocate for the Petitioner : MR. R GOSWAMI, MS. M SAIKIA,MS. P BORTHAKUR

Advocate for the Respondent : MR. R K JAIN (R - 3), MR. A R AGARWALA (R - 1, R - 2),MS.
TULIKA BORAH (R - 3)

Linked Case : CO/30/2019

MD. IDRIS ALI AND ANR
S/O- LATE GANI SK
R/O- VILL.- SARPARA
P.O. BIJAY NAGAR- 781122
DIST.- KAMRUP
ASSAM.

2: MAIKON BIBI
W/O- MD. IDRIS ALI
R/O- VILL.- SARPARA
P.O. BIJAY NAGAR- 781122
DIST.- KAMRUP
ASSAM.
VERSUS

NEW INDIA ASSURANCE COMPANY LTD. AND 5 ORS.
REP. BY ITS REGIONAL MANAGER
G.S. ROAD
ULUBARI
GUWAHATI-7
ASSAM.

2:SIBU CHANDA
S/O- LATE NIRMAL KUMAR CHANDA
VILL.- SOUTH TOKRACHARA
P.S. GOLAKGANJ- 783334
DIST.- DHUBRI
ASSAM.

3:SANKAR DUTTA
S/O- SANTI DUTTA
WARD NO. II
P.O. CHAPAR- 783371
DIST.- DHUBRI
ASSAM.

4:BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD.

3RD FLOOR
SHREEJI TOWERS
C/O- GAUHATI TEA WARE HOUSING PVT. LTD.
ADJACENT TO MAHINDRA SHOW ROOM
G.S. ROAD
CHRISTIAN BASTI
GUWAHATI- 781005
ASSAM.

5:SAHIDUL HAQUE
S/O- LATE KHALIMUDDIN SK
VILL.- UTTAR RAJPUR
P.S. GOLAKGANJ- 783334
DIST.- DHUBRI
ASSAM.

6:BHAGON ALI
S/O- A. A. MONDAL
VILL.- BIRCHAPATA
P.S. BILASIPARA- 783348
DIST.- DHUBRI
ASSAM.

Advocate for : MR. A R AGARWALA
Advocate for : MR. R GOSWAMI appearing for NEW INDIA ASSURANCE

COMPANY LTD. AND 5 ORS.

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 14.12.2024

Heard Mr. B.N. Boro, Regional Manager, along with Mr. Suman Das, Assistant Manager, New India Assurance Company Ltd., the appellant.

2. The respondent nos.1 and 2 have appeared along with Mr. A.R. Agarwala, learned counsel and they have admitted that after negotiated settlement, the parties have agreed for a total settlement amount of Rs.13,00,000/- (Rupees thirteen lakh only) as full and final settlement of all the claims of the respondent against the order and award dated 22.05.2017, passed by the learned Member, MACT, Dhubri in MAC Case No.566/2009. It is submitted that out of the settlement amount, an amount of Rs.3,50,500/- (Rupees three lakh fifty thousand five hundred only) has already been deposited before the Registry of this Court.

3. Accordingly, the matter is settled on compromise in terms of the pre-settlement/compromise slip for the National Lok Adalat, which is made as a part of record.

4. Both the parties shall put their signature in the pre-settlement compromise slip as token of acceptance for the settlement.

5. Accordingly, the New India Assurance Company Ltd. shall deposit the remaining principal amount of Rs.4,46,809/- (Rupees four lakh forth six thousand eight hundred nine only) along with interest amount of Rs.5,02,691/-

(Rupees five lakh two thousand six hundred ninety one) in favour of the claimants before the Registry of this Court within a period of 30 (thirty) days from the date of the this settlement order, failing which the amounts shall carry interest @ 9% per annum till the date of deposit.

6. The balance amount would be subject to deduction of 10% TDS. Further, the certificate of TDS shall be provided to the claimants/respondent nos.1 and 2.

7. The balance amount shall be released to the claimants on satisfaction of their identity.

8. On furnishing proof of the deposit of the entire settlement amount, the Registry shall release the statutory deposit made by the appellant.

9. The matter is disposed of in this Lok Adalat.

10. Cross objection, if any, stands closed.

JUDGE

Comparing Assistant