

GAHC010049972020



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

Case No. : MACApp./128/2020

ORIENTAL INSURANCE COMPANY LIMITED
HAVING ITS REGIONAL OFFICE AT GUWAHATI, ULUBARI, GUWAHATI
781007, REPRESENTED BY THE DEPUTY MANAGER, GAUHATI REGIONAL
OFFICE, ULUBARI, GUWAHATI-781007.

VERSUS

MUSSTT. MAYJAN BARBUIYA AND 4 ORS
W/O LATE AKAL ALI BARBUIYA, R/O VILLAGE CHAILTARTOL, LALPANI,
P.O. LALPANI, P.S. JIRIGHAT, DISTRICT CACHAR, ASSAM, PIN 788104.

2:MD. MUJIBUR RAHMAN BARBUIYA
S/O LATE AKAL ALI BARBUIYA
R/O VILLAGE CHAILTARTOL
LALPANI
P.O. LALPANI
P.S. JIRIGHAT
DISTRICT CACHAR
ASSAM
PIN 788104.

3:MD. BADRUL ISLAM BARBUIYA
S/O LATE AKAL ALI BARBUIYA
R/O VILLAGE CHAILTARTOL
LALPANI
P.O. LALPANI
P.S. JIRIGHAT
DISTRICT CACHAR
ASSAM
PIN 788104.

4:SRI PREM KUMAR SINGHA
S/O LATE RADHA RAMAN SINGHA
R/O VILL AND P.O. MACHPARA
P.S. SILCHAR

DISTRICT CACHAR
ASSAM
PIN 788009 (OWNER).

5:MD. SAHAB UDIDN LAHKAR
S/O LATE NUR AHMED LASKAR
R/O VILL UJAN BADRIPAR
P.O. BADRIPAR
P.S. LAKHIPUR
DISTRICT CACHAR
ASSAM
PIN 788009 (DRIVER)

Advocate for the Petitioner : MS. R D MOZUMDAR
Advocate for the Respondent : MR. M TALUKDAR

Linked Case : I.A.(Civil)/1826/2020

MAYJAN BARBHUIYA AND 2 ORS.
W/O. LATE AKAL ALI BARBHUIYA
R/O. VILL. CHAILTARTOL
LALPANI
P.O. LALPANI
P.S. JIRIGHAT
DIST. CACHAR
ASSAM
PIN 788104.

2: MD. MUJIBUR RAHMAN BARBHUIYA
S/O LATE AKAL ALI BARBHUIYA
R/O VILLAGE CHAILTARTOL
LALPANI
P.O. LALPANI
P.S. JIRIGHAT
DISTRICT CACHAR
ASSAM
PIN 788104.

3: MD. BADRUL ISLAM BARBHUIYA
S/O LATE AKAL ALI BARBHUIYA
R/O VILLAGE CHAILTARTOL
LALPANI
P.O. LALPANI
P.S. JIRIGHAT
DISTRICT CACHAR
ASSAM
PIN 788104.

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED AND 2 ORS.
HAVING ITS REGIONAL OFFICE AT GUWAHATI
ULUBARI
GUWAHATI 781007
REPRESENTED BY THE DEPUTY MANAGER
GAUHATI REGIONAL OFFICE
ULUBARI
GUWAHATI-781007.

2:SRI PREM KUMAR SINGHA
S/O LATE RADHA RAMAN SINGHA
R/O VILL AND P.O. MACHPARA
P.S. SILCHAR
DISTRICT CACHAR
ASSAM
PIN 788009 (OWNER).
3:MD. SAHAB UDIDN LAHKAR
S/O LATE NUR AHMED LASKAR
R/O VILL UJAN BADRIPAR
P.O. BADRIPAR
P.S. LAKHIPUR
DISTRICT CACHAR
ASSAM
PIN 788009 (DRIVER).

Advocate for : MR. M TALUKDAR
Advocate for : MS R D MAZUMDAR appearing for ORIENTAL INSURANCE
COMPANY LIMITED AND 2 ORS.

Linked Case : CO/19/2020

MUSSTT. MAYJAN BARBUIYA AND 2 ORS.
W/O LATE AKAL ALI BARBUIYA
R/O VILLAGE CHAILTARTOL
LALPANI
P.O. LALPANI
P.S. JIRIGHAT
DISTRICT CACHAR
ASSAM
PIN 788104.

2: MD. MUJIBUR RAHMAN BARBUIYA
S/O LATE AKAL ALI BARBUIYA
R/O VILLAGE CHAILTARTOL
LALPANI
P.O. LALPANI

P.S. JIRIGHAT
DISTRICT CACHAR
ASSAM
PIN 788104.

3: MD. BADRUL ISLAM BARBHUIYA
S/O LATE AKAL ALI BARBHUIYA
R/O VILLAGE CHAILTARTOL
LALPANI
P.O. LALPANI
P.S. JIRIGHAT
DISTRICT CACHAR
ASSAM
PIN 788104.

VERSUS

THE ORIENTAL INSURANCE CO. LTD. AND 2 ORS.
A COMPANY REGISTERED UNDER THE COMPANIES ACT
1956. REP. BY ITS REGIONAL MANAGER
ULUBARI
GUWAHATI-7.

2:PREM KUMAR SINGHA
S/O LATE RADHA RAMAN SINGHA
R/O VILL AND P.O. MACHPARA
P.S. SILCHAR
DISTRICT CACHAR
ASSAM
PIN 788009.

3:MD. SAHAB UDIDN LAHKAR
S/O LATE NUR AHMED LASKAR
R/O VILL UJAN BADRIPAR
P.O. BADRIPAR
P.S. LAKHIPUR
DISTRICT CACHAR
ASSAM
PIN 788009.

Advocate for : MR. M TALUKDAR
Advocate for : MS. R D MOZUMDAR appearing for THE ORIENTAL INSURANCE
CO. LTD. AND 2 ORS.

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

Name of the conciliators:

1. Ms. Chandana Patowary
2. Ms. Gita Kakati Das

(O R D E R)

Date : 11.05.2024

The case is put up before the National Lok Adalat.

The matter is amicably settled between the parties.

The claimants, namely, Musstt. Mayjan Barbhuiya, Md. Mujibur Rahman Barbhuiya, and Md. Badrul Islam Barbhuiya, are present before the Court today. They are represented by Mr. A. Shakil, learned counsel.

Mr. Sudip Bandyopadhyay, Regional Manager and Mr. T. P. Meetei, Manager, appears for the Oriental Insurance Company Limited.

It is submitted by the claimants and the representatives of the Insurance Company that this matter is settled between the parties at an amount of Rs. 17,00,000/- inclusive of all components. It is stated that an amount of Rs. 7,74,906/- inclusive of interest, has already been deposited by the Insurance Company before the Registry of this Court but the same has not been withdrawn by any of the claimants. Accordingly, the balance amount of Rs. 9,25,094/- would now be paid by the Insurance company and this amount will be received by the claimants as a full and final settlement of their claim.

The Insurance company will deposit the amount of Rs. 9,25,094/- within a period of 45 days from today before the Registry of the Gauhati High Court. Failure to deposit the above-mentioned amount within the stipulated time by the Oriental Insurance Company Limited, the above amount would carry an interest at the rate of 7% from

the date of filing of the claim petition before the learned Tribunal.

From the total deposited amount of Rs. 17,00,000/-; an amount of Rs. 7,00,000/- shall be released to the Claimant No. 1(Musstt. Mayjan Barbhuiya); and an amount of Rs. 5,00,000/-, each, shall be released to the Claimant No. 2(Md. Mujibur Rahman Barbhuiya), and Claimant No. 3(Md. Badrul Islam Barbhuiya), respectively, by the Registry of this Court upon furnishing of adequate documents for their identification and particulars of their respective Bank accounts.

Statutory deposit, if any, made by the Insurance Company being not a part of the amount so settled today; the same may be released to the Insurance Company on an application made by it in this connection.

The appeal accordingly stands disposed of in terms of the amicable settlement reached between the parties.

The compromise format signed by the parties is kept on record.

LCRs, if any, be remitted to the concerned Tribunal.

JUDGE

Comparing Assistant