

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 BARBHUIYA AND 4 ORS  
W/O LATE AKAL ALI BARBHUIYA, R/O VILLAGE CHAILTARTOL, LALPANI,  
P.O. LALPANI, P.S. JIRIGHAT, DISTRICT 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.

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 BARBHUIYA AND 2 ORS.  
W/O LATE AKAL ALI BARBHUIYA  
R/O VILLAGE CHAILTARTOL  
LALPANI  
P.O. LALPANI  
P.S. JIRIGHAT  
DISTRICT 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

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 Bandyopadhyaya, 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**