

GAHC010003162017



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

Case No. : MACApp./19/2018

M/S NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING 87
MAHATMA GANDHI ROAD, MUBARI AND ONE OF THE REGIONAL OFFICE
AT G.S. ROAD, BHANGAGARH, GUWAHATI, ASSAM.

VERSUS

PINKI MAZUMDAR
VILL. NO. 1 BHETAGAON, BIJNI, P.S. BIJNI, DIST. CHIRANG (BTAD), ASSAM
C/O SMTI PUSPAGANA BORA, VILL. GATONGA BARUA CHUBURI, P.O.
DEKARGAON, P.S. TEZPUR

2:SNEHA MAZUMDAR
VILL. NO. 1 BHETAGAON
BIJNI
P.S. BIJNI
DIST. CHIRANG (BTAD)
ASSAM C/O SMTI PUSPAGANA BORA
VILL. GATONGA BARUA CHUBURI
P.O. DEKARGAON
P.S. TEZPUR

3:MASTER GAURAB MAZUMDAR
VILL. NO. 1 BHETAGAON
BIJNI
P.S. BIJNI
DIST. CHIRANG (BTAD)
ASSAM C/O SMTI PUSPAGANA BORA
VILL. GATONGA BARUA CHUBURI
P.O. DEKARGAON
P.S. TEZPUR

4:DIPAK BORO
VILL. TUBUKIJHAR
P.O. GHORAMARI
DIST. SONITPUR
ASSAM.

5:PARATMA SARMA
VILL. AND P.O. KOCHUBIL
P.S. TEZPU

Advocate for the Petitioner : MR. K K BHATTA

Advocate for the Respondent : MR. N BORAH

Linked Case : I.A.(Civil)/76/2018

M/S NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING 87
MAHATMA GANDHI ROAD
MUBARI AND ONE OF THE REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI
ASSAM.

VERSUS

PINKI MAZUMDAR
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P.O. GHORAMARI
DIST. SONITPUR
ASSAM.
5:PARATMA SARMA
VILL. AND P.O. KOCHUBIL
P.S. TEZPUR

Advocate for : MR. K K BHATTA
Advocate for : appearing for PINKI MAZUMDAR

Linked Case : I.A.(Civil)/1057/2017

M/S NEW INDIA ASSURANCE CO. LTD.
HAVING ITS REGISTERED OFFICE AT NEW ASSURANCE BUILDING 87
MAHATMA GANDHI ROAD
MUMBAI AND ONE OF THE REGIONAL OFFICE AT G.S. ROAD
BHANGAGARH
GUWAHATI.

VERSUS

SMTI PINKI MAZUMDAR and 4 ORS

W/O LATE GOBIN MAZUMDAR
VILL. NO. 1 BHETAGAON
BIJNI
P.S. BIJNI
DIST. CHIRANG BTAD
ASSAM C/O SMTI PUSPAGANA BORA
VILL. GATONGA BARUA CUBURI
P.O. DEKARGAON
P.S. TEZPUR
DIST. SONITPUR
ASSAM.

2:MISS SNEHA MAZUMDAR

D/O LATE GOBIN MAZUMDAR
VILL. NO. 1 BHETAGAON BIJNI
P.S. BIJNI
DIST. CHIRANG BTAD
ASSAM C/O SMTI PUSPAGANA BORA
VILL. GATONGA BARUA CHUBURI
P.O. DEKARGAON
P.S. TEZPUR
DIST. SONITPUR
ASSAM.
3:MASTER GAURAB MAZUMDAR

S/O LATE GOBIN MAZUMDAR
VILL. NO. 1 BHETAGAON
BIJNI
P.S. BIJNI
DIST. CHIRANG BTAD
ASSAM C/O SMTI PUSPAGANA BORA
VILL. GATONGA BARUA CHUBURI
P.O. DEKARGAON
P.S. TEZPUR
DIST. SONITPUR
ASSAM.
4:DIPAK BORO

S/O SRI NABIN CH. BORO
VILL. TUBUKIJHAR
P.O. GHORAMARI
DIST. SONITPUR
ASSAM.
5:PARATMA SARMA

S/O LATE NANDALAL SARMA
VILL. and P.O. KOCHUBIL
P.S. TEZPUR
DIST. SONITPUR
ASSAM.

Advocate for : MR.K K BHATTA

Advocate for : MR.H MAZUMDERR- 1-3 appearing for SMTI PINKI MAZUMDAR
and 4 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.

Mr. N. Borah, learned counsel for the appellants/claimants, submits that the Claimant No. 1, namely, Smti. Pinki Mazumdar, during the pendency of this appeal, had expired and the Claimants No. 2 & 3 being minor, are represented by their maternal grandfather Sri Bimal Gogoi. The Claimants No. 2 & 3 along with their maternal grandfather, are present today.

Mr. Suman Das, Assistant Manager, appears for the New India Assurance Company Limited.

It is submitted on behalf of Claimants No. 2 & 3 and the Insurance Company's representatives that this matter is settled between the parties at an amount of Rs. 24,02,500/- inclusive of all components. It is stated that an amount of Rs. 15,52,500/-, inclusive of interest, has already been received by the Claimant No. 1, Smti. Pinki Mazumdar, during her life time and accordingly, the balance amount of Rs. 8,50,000/- would now be paid by the Insurance company. This amount will be received by the claimants No. 2 & 3 as a full and final settlement of their claim.

The Insurance company will deposit the amount of Rs. 8,50,500/- 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 New India Assurance 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.

The said amount of Rs. 8,50,000/- shall now be released to the Claimants No. 2 & 3 in equal proportion and shall be kept in a fixed deposit account having a Monthly Income Scheme(MIS) in the name of the Claimants No. 2 & 3 before a nationalized Bank. The fixed deposit shall be so made for at least a period of 5 years in respect of Claimant No. 2(Sneha Mazumdar) and for a period of 6 years in respect of Claimant No. 3(Master Gaurab Mazumdar).

The maternal grandfather of the Claimants No. 2 & 3 would act as the Guardian for the above purpose.

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.

With the above directions and observations, the appeal stands disposed of.

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

JUDGE

Comparing Assistant