

Assam Schedule VII, Form No.143

HIGH COURT CIVIL FORM NO. (J) 13

FORM OF ORDER SHEET.

District :- GOALPARA

BEFORE THE MACT TRIBUNAL AT GOALPARA

Present :- Sri A. Hazarika,

Member Mact, GOALPARA

MACT Case No. 117 OF 2019

1 Sl No.	2 Date of order	3 ORDER	4 Signature of Court	5 Office Action taken on Order with date & Signature of Pleader/Parties
	03.12.2020	<p>The case is fixed for report from the District Mediation Centre.</p> <p>Report of the District Mediation Centre, Golapara is received.</p> <p>On perusal of the records it is seen that vide the joint petition NO 1344 of 2020 the counsels for the Claimant and the OP had agreed to avail the facilities of Mediation. Situated thus this Tribunal had referred the matter for mediation and asked the parties to appear before the District Mediation Centre on 26.11.2020. Pursuant thereto the parties had appeared before the Mediator and the matter was amicably settled between the parties as is evident from the SETTLEMENT AGREEMENT submitted before this Tribunal by the DLSA, Golapara vide letter dated 03.12.2020.</p> <p>On perusal of the "SETTLEMENT AGREEMENT" between the parties it is seen that the Claimants Dedila Momin and OP no 4 Oriental Insurance Co Ltd and OP No 1 ICICI Lombard General Insurance Co Ltd had reached a settlement at Rs 4,40,000/- (Rupees One lakh Ten Thousand only) vide settlement dated 26.11.2020 wherein both the companies had agreed for 50 % liability each. As such the Claimants also reached a settlement with the OP No 1 ICICI Lombard General Insurance Co Ltd for a Rs 2,20,000/- (Rupees two lakhs twenty Thousand only) and with OP no 4 Oriental Insurance Co Ltd for a Rs 2,20,000/- (Rupees two lakhs twenty Thousand only). The said SETTLEMENT AGREEMENT" has been duly endorsed by all the parties including the Mediator.</p> <p>The original "SETTLEMENT AGREEMENT" dated 26.11.2020 along with the forwarding letter dated 03.12.2020 issued by DLSA, Golapara may be kept as part of the record. Bench Assistant to do needful</p>		


**Member
Motor Accident Claims Tribunal
Goalpara**

Since both the parties have mutually settled the claim as evident from the SETTLEMENT AGREEMENT and there is evidently no coercion while reaching such settlement this Tribunal of the considered opinion that the following awards be passed

AWARD

This Tribunal is of the considered opinion that the Claimant Dedila Momin is entitled for just compensation of Rs 2,20,000/- (Rupees two lakhs twenty Thousand only) to be paid by the OP no 4 Oriental Insurance Co Ltd and Rs 2,20,000/- (Rupees two lakhs twenty Thousand only) to be paid by the OP No 1 ICICI Lombard General Insurance Co Ltd and that the Opp. Party Nos 4 Oriental Insurance Co Limited and OP No 1 ICICI Lombard General Insurance Co Ltd are directed to pay the just compensation so awarded to the claimant within two month from the date of receipt this order.

Furthermore in order to safeguard the award money and considering the fact that the Claimant Dedila Momin will be dependent upon the just compensation awarded to her to sustain her during her lifetime, this Tribunal is of the considered opinion that out of the amount of Rs 2,20,000/- (Rupees two lakhs twenty Thousand only) to be paid by the OP no 4 Oriental Insurance Co Ltd , Rs 1,10,000/- (Rupees One lakh Ten Thousand only) be deposited in a nationalised bank within their locality as fixed deposited for a period of 5 years in the name of Claimant and out of the amount of Rs 2,20,000/- (Rupees two lakhs twenty Thousand only) to be paid by the OP No 1 ICICI Lombard General Insurance Co Ltd Rs 1,10,000/- (Rupees One lakh Ten Thousand only) be deposited in a nationalised bank within their locality as fixed deposited for a period of 5 years in the name of Claimant. The rest amount may be released to the Claimant Dedila Momin upon an application being so made

Case is disposed of accordingly and upon settlement through meditation.

Copies to be furnished to the parties forthwith.

*copy received
05.12.2020*


Member
Motor Accident Claims Tribunal
Goalpara