

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. 118 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 Meditation Centre.</p> <p>Report of the District Meditation Centre, Golapara is received.</p> <p>On perusal of the records it is seen that initially vide the joint petition NO 1259 of 2020 the counsels for the Claimant and the OP No 4 Oriental Insurance Co Ltd had agreed to avail the facilities of Mediation. Situated thus this Tribunal had referred the matter for meditation and asked the parties to appear before the District Mediation Centre on 07.10.2020. 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 08.10.2020.</p> <p>However, it was noticed that the said settlement was reached between two parties only and after hearing the parties and on a joint application being numbered as 1343 of 2020 made by the Claimants and Op No 1 ICICI Lombard General Insurance Co Ltd the matter was re-sent before the District Meditation Centre for appearance of the parties 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 27.11.2020.</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 had reached a settlement at Rs 1,10,000/- (Rupees One lakh Ten Thousand only) vide settlement dated 07.10.2020. The Claimants also reached a settlement with the OP No 1 ICICI Lombard General Insurance Co Ltd for a Rs 1,10,000/- (Rupees One lakh Ten</p>		


**Member
Motor Accident Claims Tribunal
Goalpara**

Thousand only) vide settlement dated 20.11.2020. Both the said SETTLEMENT AGREEMENT" has been duly endorsed by all the parties including the Mediator.

The original "SETTLEMENT AGREEMENT" dated 07.10.2020 and 20.11.2020 along with the forwarding letter dated 08.10.2020 and 27.11.2020 issued by DLSA, Golapara may be kept as part of the record. Bench Assistant to do needful

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 Claimants Dedila Momin is entitled for just compensation of Rs 1,10,000/- (Rupees One lakh Ten Thousand only) to be paid by the OP no 4 Oriental Insurance Co Ltd and Rs 1,10,000/- (Rupees One lakh Ten 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 Claimants 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 1,10,000/- (Rupees One lakh Ten Thousand only) to be paid by the OP no 4 Oriental Insurance Co Ltd , Rs 50,000/- (Rupees fifty 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 1,10,000/- (Rupees One lakh Ten Thousand only) to be paid by the OP No 1 ICICI Lombard General Insurance Co Ltd Rs 50,000/- (Rupees fifty 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

copy received
05.12.2020

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Motor Accident Claims Tribunal
Golapara