

**BEFORE THE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL-
CUM- ADDL. DISTRICT JUDGE (FTC), DIBRUGARH**

Present : Shri Sushil Kumar Kabra
Member, MACT-cum-
Addl. District Judge (FTC), Dibrugarh

MAC Case No. 99 of 2014

In the matter of:

1. Smti. Binita Tanti
W/o Late Bidu Tanti
2. Master Deep Tanti
3. Master Raj Tanti
4. Miss Jiya Tanti

No. 2 to 4 are sons and daughter of Late Bidu Tanti
No. 2 to 4 being minor are represented through their Mother and
Natural guardian Smti. Binita Tanti
All are R/o Tetunbari
P.O.-Sepon
P.S.- Moran
District-Dibrugarh, Assam

.....Claimants

Versus

1. Sri Bijay Kr Beria (Owner)
S/o Late Gouri Shankar Beria
C/o Shree Shyam Food Product
Khoomtai Gaon
P.O.-Moranhut
P.S.-Moranhut
District- Sibsagar, Assam



Received free
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Sabin Rajeev
with
(A. Garodia)

Copy sent
to
G. Johny
A. B. B.

Sushil Kumar Kabra
Addl. District Judge (F.T.C.)
Dibrugarh

2. Md Nazimal Hussain (Driver)
S/o Late Nazibul Hussain
R/o No. 1 Chakalia Gaon
P.O.-Sepon, P.S.- Moran
District- Dibrugarh, Assam
3. M/s Cholamandalam MS General Insurance Company Ltd.
(Chola MS)
Branch-Guwahati
Insurer of offending vehicle (407 Truck) bearing registration No.
AS-04-AC-5221
Ulubari, P.O.-Guwahati
P.S.-Paltanbazar
Guwahati
District-Kamrup
4. United India Insurance Company Ltd.
Branch-Moran
Insurer of Truck bearing Reg. No.ASQ-8625
A.T. Road
P.O. & P.S.- Moran
District-Dibrugarh, Assam

.....Opposite Parties

ORDER
21.12.2021

1. This claim petition has been filed seeking grant of compensation to the tune of Rs. 12,23,200/- (Rupees Twelve Lacs Twenty Three Thousand and Two Hundred Only) along with interest thereon to the claimantson account of death of their husband/father namely Bidu Tanti in a motor accident occurred on 12.12.2013at about 11:50 AM at N.H.-37, at Sepon.


Addl. District Judge (F.T.C.)
Dibrugarh



2. Opposite parties entered appearance and filed their respective written statements.
3. On the basis of pleadings of the parties issues were framed by the then presiding officer on 04.12.2019 and matter was fixed for claimant's evidence.
4. Today a joint petition bearing No.168/2021 has been filed, signed by claimant No. 1 (who is representing the other claimants who are minors) and O.P. No.3 stating that the parties have settled the matter at Rs.5,30,000/-(Rupees Five Lacs and Thirty Thousand only) payable by the O.P. No.3 to the claimants. The petition is duly verified by the claimant No. 1 and also advocate of O.P. No.3 authorised by insurer O.P. No. 3, M/s Cholamandalam MS General Insurance Company Ltd. It is prayed that the claim petition may be disposed of on compromise as stated above.
5. Today the claimant No. 1, claimant No. 2 and claimant No. 3 are present in the Court. Claimant No. 1 submits that claimant No. 4 her daughter has gone to school and accordingly she has not appeared today. However, claimant No.1 stated before this Court that she is representing the claimant No. 4 as well. This Court interacted with the claimants and they stated that they have settled the matter with the insurer at Rs.5,30,000/- (Rupees Five Lacs and Thirty Thousand only) as full and final settlement amount and they will not claim any further amount from O.P. No.3 or other O.Ps.including O.P. No.4 with respect to the death of Bidu Tanti.


Distt. District Judge (F.T.C.)
Dibrugarh



6. I have heard both the parties.
7. Having found the compromise lawful and for the interest of both the parties, the prayer for disposing the matter upon aforesaid settlement arrived at between the parties is allowed.
8. The case is disposed of with an award of Rs. 5,30,000/- (Rupees Five Lacs and Thirty Thousand) only payable by the O.P. 3, M/s Cholamandalam MS General Insurance Company Ltd. to the claimants within the next 30 (thirty) days, failing which the amount shall carry interest at the rate of 9% p.a. from today till the date of payment.

Amount to be kept in Fixed Deposit will be determined at the time of disbursement of the award amount.
10. A free copy of this order be furnished to the learned advocates for claimants and O.P. No. 3 for their record and needful.




Member, MACT-cum-Addl. District Judge (FTC)
Dibrugarh

Addl. District Judge (F.T.C.)
Dibrugarh