

GAHC010080232025



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

Case No. : I.A.(Civil)/1475/2025

THE TATA AIG GENERAL INSURANCE CO. LTD.
HAVING ITS REGISTERED HEAD OFFICE AT PENINSULA BUSINESS PARK,
TOWER A, 15TH FLOOR, G.K. MARG, LOWER PAREL, MUMBAI 400013,
MAHARASHTRA, AND HAVING ONE OF ITS BRANCH OFFICE AT 3RD
FLOOR, MAYUR GARDEN, OPP. HDFC BANK, G.S. ROAD, GUWAHATI
781005, ASSAM.

VERSUS

NIBEDITA UPADHYAI AND 4 ORS
D/O LATE YOYANATH UPADHYAYA DAHAL, R/O VILL. BIHPURIA, WARD
NO 1, P.S. BIHPURIA, PIN 748161, DIST. LAKHIMPUR, ASSAM.

2:PARTHA PRATIM UPADHYAYA

S/O LATE TOYANATH UPADHYAYA DAHAL
R/O VILL. BIHPURIA
WARD NO 1
P.S. BIHPURIA
PIN 784161
DIST. LAKHIMPUR
ASSAM.

3:JUBARAJ DAS UPADHYAYA

S/O LATE TOYANATH UPADHYAYA DAHAL
R/O VILL. BIHPURIA
WARD NO 1
P.S. BIHPURIA
PIN 784161
DIST. LAKHIMPUR
ASSAM.

4:MD. AIJUL
C/O ABDUL JALIL
R/O VILL. KARATIPAM
P.S. MORIGAON
PIN 782105
DIST. MORIGAON
ASSAM.

5:MD. ATAB HUSSAIN AHMED

S/O ABDUL MUTAIB
R/O VILL. GAROIMARI
P.S. LAHARIGHAT
PIN 782127
DIST. MORIGAON

Advocate for the Petitioner : MR. K K BHATTA, MRS L SHARMA

Advocate for the Respondent : MR. P SARMAH (R-1,2,3), MR A N IQBAL(R-1,2,3),M
SHARMA(R-1,2,3),MR. S UPADHAYA(R-1,2,3),MR. B CHAKRAVARTY(R-1,2,3)

in
MACAPP. CASE NO. 4618/2025
with
MACAPP. CASE NO. 4618/2025
(Filing Number)

BEFORE
HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA

ORDER

09.05.2025

This matter is put up before the National Lok Adalat.

The applicants/claimants, namely, 1.Ms. Nibedita Upadhyai, 2. Sri Partha Pratim Upadhyaya and 3. Sri Jubaraj Das Upadhyaya are personally present before the Lok Adalat, along with their engaged

counsel Mr. P. Sarmah. The insurance company is represented by Mr. Vinod Samaje. The originally amount of compensation which was awarded to the claimants by the Motor Accident Claims Tribunal No. 2, Kamrup (M), Guwahati, is Rs. 91,07,120/- along with an interest @ 9% per annum. Though the parties had to earn agreeable to arrive at an amicable settlement, however, the offer of the insurance company is that they are ready to pay Rs. 80,00,000/- in lumpsum, whereas, the claimants are agreeable to a proposition if they are paid the original awarded amount minus the interest awarded thereupon, i.e., Rs. 91,07,120/-.

This court is also of the opinion that the offer given by the claimants would give the benefit of not paying the interest amount amounting to approximately Rs. 65,00,000/- by the insurance company.

Mr. Samaje is present before this court today and submits that he has been authorized today only to consent of giving accurate to the amount of Rs. 91,07,120/- and he needs some time to discuss the offer amount of Rs. 91,07,120/- and, therefore, he prays that matter may be listed before the regular court, where if an agreement is arrived at between the parties, the matter can be still disposed of on the basis of settlement arrived at between the parties.

The prayer is allowed.

Let this matter be listed on 25th May, 2026.

JUDGE

Comparing Assistant