

Noting by Officer or Advocate	Serial No	Date	Office notes, reports, orders or Proceedings with signature
			<u>IA 01 of 2017</u> <u>in CRP 11 of 2013</u> BEFORE THE HON'BLE MR. JUSTICE S. TALAPATRA <u>15.01.2018</u> Heard Mr. C.S. Sinha learned counsel appearing for the petitioner as well as Mr. D.C. Saha, learned counsel appearing for the respondent No.1. None appears for the National Insurance Company Limited when the matter is taken up. This is a petition for granting leave in favour of the claimant-petitioner to withdraw a sum of Rs.2,60,124/- as deposited by the respondent No.2 in terms of the judgment and order dated 06.07.2015 delivered in CRP No.11 of 2013. It appears from the records that the claimant-petitioners lost their son namely Joy Das in a road traffic accident which occurred on 11.11.1999 and they had filed the claim-petition under Section 166 of the Motor Vehicles Act. The tribunal has assessed the said amount as compensation. But initially by the judgment and order dated 04.10.2001 delivered in T.S.(MAC) 648 of 1999, the tribunal shifted the liability of making payment on the respondent No.1. Being aggrieved, the respondent No.1 challenged the said judgment and

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			<u>IA 01 of 2017</u> <u>in CRP 11 of 2013</u> award dated 04.10.2001 in this court. After hearing the parties at length this court directed that the liability of the payment shall shift to the respondent No.2, the insurer. Now the insurer in compliance with the judgment and order dated 06.07.2015 as delivered in CRP No. 11 of 2013 has deposited the entire sum with interest to the extent as shown above. Mr. C.S. Sinha, learned counsel has submitted that the claimant-petitioner one of the parents [mother] of the deceased person and there is no embargo in disbursing the said amount to the claimant-petitioner. At this juncture, Mr. C.S. Sinha, learned counsel has submitted that Jitendra Kumar Das [father of the victim] was one of the claimant-petitioners who has expired. In the emerged situation, the petitioner No.1 shall be entitled to receive 50% of the deposited sum from this Registry and hence, the Registry is directed to make payment of the said sum to the petitioner No.1. But the remaining sum shall be paid after the legal proof of succession is submitted to the satisfaction of the Registry. As such, 50% of the said amount shall remain with the Registry for disbursal in accordance with the above direction.

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			<u>IA 01 of 2017</u> <u>in CRP 11 of 2013</u> The sole-applicant may file the proof of succession and in terms of that the Registry may disburse the rest of the amount as soon as the succession would be satisfactorily established by the claimant-petitioner. Mr. D.C. Saha, learned counsel appearing for the respondent No.1 did not raise any objection. Hence, the Registry is directed to disburse 50% of the deposited sum to the sole-applicant. But, 50% of the said amount shall remain with the Registry for disbursal in accordance with the above direction. In terms of the above, this petition stands allowed and disposed of. JUDGE
Sabyasachi B			