

**HIGH COURT OF TRIPURA
AGARTALA**

I.A. No. 01 of 2018
In MAC. App. No. 116 of 2011(D/O)

Sankar Bhowmik & Ors. Legal heirs of
Deceased Aparna Bhowmik

-----Petitioner(s)

Versus

Swapan Deb & Ors.

-----Respondent(s)

For petitioner(s) : Ms. M. Chakraborty, Adv

For Respondent(s) : Mr. P. Gautam, Adv

HON'BLE MR. JUSTICE S. TALAPATRA
Order

22/03/2018

Heard Ms. M. Chowdhury, learned counsel appearing vice Mr. R. Saha, learned counsel for the applicant.

By this application, the applicants who have claimed to be the legal heirs of Smti. Aparna Bhowmik who was the claimant, has urged this Court to disburse $\frac{1}{4}$ share of the deposited amount of the compensation to each of them.

It appears from para-4 of this petition that on 31.10.2015 Smti. Aparna Bhowmik died. After her expiry, one survival certificate (not the succession certificate) was obtained by her husband namely Sankar Bhowmik under No. SURC/2016/03298, dated 20.08.2016 (**Annexure-1** to this petition).

There cannot be any amount of doubt that the applicants are entitled to get the said benefit as the dependent. But there was no process was followed to determine the legal heirs/dependants of Aparna Bhowmik, who was also the appellant in the appeal being MAC. App. No. 116 of 2011. The said appeal was disposed of by the

judgment and order dated 07.07.2015. The National Insurance Company Ltd and the New India Assurance Co. Ltd, the respondents No. 2 and 4 respectively, have deposited the amount they were directed to pay as the compensation.

In such circumstances, the Registrar (Judicial) is directed to determine the successor/dependants of Aparna Bhowmik keeping a view on the entitlement under Section-166 of the M. V. Act. For this purpose, the safer recourse to be adopted by the Registrar Judicial is to issue a notice to Sri Sankar Bhowmik, the husband of late Aparna Bhowmik in the address as would be available from the memorandum of appeal.

After hearing Sri Sankar Bhowmik and on taking into cognizance the survival certificate as stated, Registrar (Judicial) shall determine the successor/dependant of late Aparna Bhowmik and accordingly, the deposited amount shall be disbursed in equal share to the legal heirs on their indemnifying the process from the future claim.

In terms of the above, this petition stands allowed to the extent as indicated above.

JUDGE