

24.2.2021

**ASR
5.**

**FMA 254 of 2020
With
CAN 2 of 2020 (old CAN 2310 of 2020)**

**Sarda Debi Chouhan & Ors.
Versus
The National Insurance Company Ltd. & Anr.**

Mr. Amit Ranjan Ray

.....for the appellants

**Mr. S. Bhowmik
Mr. P. K. Pahari**

.....for the NICL

This is an application in a disposed of appeal.
It was disposed of on 10th December, 2019. The
operative part of the order is as follows:

***The Insurance Company should
ascertain what amount has been paid and
calculate the balance amount due in terms
of this order, correct upto 13th December,
2019 and make over the same to the
claimants share by 10th January, 2020. The
distribution of the awarded amount among
the claimants will be in the ratio mode and
manner as indicated in the impugned
award of the learned Tribunal. The
amounts due to each of the claimants will
be deposited directly into their bank***

accounts. For such purpose, the learned advocate for the claimants will furnish the details of the bank accounts of the individual claimants to advocate for the Insurance Company by 24th December, 2019.

It is submitted by Mr. Amit Ranjan Roy that the appellant no. 4, 5 and 6 are minors, therefore, the appellant no.1, the mother is directed to open separate joint accounts in respect of appellant nos. 4, 5 and 6 and deposit the entire amount in fixed deposit with renewal term in a nationalized bank and spend the amount accrued from the interest for betterment, upliftment as well as food and education for the appellant nos. 4, 5 and 6. The appellant nos. 4, 5 and 6 are liable to operate that bank account after attaining majority.

Accordingly, the appeal is disposed of.

On 14th December, 2019, four days after this order one of the claimants/appellants Mulki Devi died.

The other claimants have made this application for an order directing the respondent/

Insurance Company to distribute the sum payable to the deceased to the applicants as her legal heirs and representatives.

Learned counsel for the applicant submits that the other claimants/appellants are the only legal heirs and representatives of the deceased Mulki Devi.

In this disposed of appeal, we cannot pass any order taking into account an event subsequent and thereafter modifying the final judgement and order.

However, it will be open to the applicants to place the relevant portion of the said order dated 10th December, 2019 along with a copy of this order with the respondent/Insurance Company, which it is expected shall take a decision with regard to the distribution of share of Mulki Devi in accordance with the judgement and order dated 10th December, 2019 following due procedure.

The application (CAN 2 of 2020 old CAN 2310 of 2020) is disposed of.

(I. P. Mukerji,J.)

(Md. Nizamuddin,J)