

32 25.11.2020
AN Ct. No. 23

COT 38 of 2020
Smt. Mukesh Panwar & Ors.
vs.
The New India Assurance Co. Ltd.
with
I.A. No.: CAN 1 of 2020
in
FMAT 354 of 2020
The New India Assurance Co. Ltd.
vs.
Smt. Mukesh Panwar & Ors.
with
I.A. No.: CAN 1 of 2020 (Old No.: CAN 4485/2020)
I.A. No.: CAN 2 of 2020 (Old No.: CAN 4486/2020)
I.A. No.: CAN 3 of 2020 (Old No.: CAN 4487/2020)
CAN 4 of 2020

Mr. Rajdeep Bhattacharjee
... for the petitioner

Mr. Subhankar Mondal
... for the opposite party

The appeal arises out of a judgment and order dated 29.06.2020 passed by the court of the learned Additional District & Sessions Judge, R.D. Court, Paschim Medinipur-cum-Motor Accident Claims Tribunal.

The Insurance Company has filed the appeal after depositing a statutory cost of Rs. 25,000/- with the Department of this court and has also filed an application for stay therein. The claimant being the respondents 1 to 4 has preferred a cross appeal. Both the appeal and the cross appeal alongwith the stay application filed in the cross appeal are pending.

The parties have during the pendency of the appeal and the cross objection entered into an out of court settlement which is recorded in a joint petition affirmed by the parties before the Notary Public on

25.09.2020. The said application has been filed for recording the settlement with a prayer to pass a decree in terms thereof.

Let a decree in terms of the terms of settlement contained in the joint petition being CAN 4 of 2020 be passed. The decree be drawn up by incorporating the terms into the decree. Let the decree be expeditiously drawn up.

The appeal and the cross objection are **disposed of** alongwith the application for stay filed in the appeal. Interim order, if any, stands vacated.

The appellant Insurance Company shall be at liberty to withdraw the statutory deposit of Rs. 25,000/- made at the time of filing of the appeal.

The Department, if approached, shall release the money as expeditiously as possible but not later than 31.12.2020.

The challan for the statutory deposit of Rs. 25,000/- is taken on record.

Consequently, all the other connected applications also stand disposed of.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Arindam Mukherjee, J.)

