

S/L 6
13.8.2021
Court No.26
SD

FMA 1293 of 2010
With
CAN 2 of 2021
(Via Video Conference)

Smt. Shibani Dolui & Anr.
Vs.
The New India Assurance Co. Ltd. & Anr.

Mr. Krishanu Banik

...for the Appellants/Claimants.

Mr. Animesh Das

...for the Respondent/Insurance Co.

CAN 2 of 2021:-

This is an application for recording the death of the appellant no.2 is not available on record.

By consent of the parties, the application being CAN 2 of 2021 filed by the appellants is taken up for hearing.

The appellant no.2, namely, Ashok Dolui died intestate on February 6, 2009 leaving his only legal heir, that is, his wife Shibani Dolui being the appellant no.1 herein who is already on record and therefore, the said application being CAN 2 of 2021 is allowed.

The concerned department is directed to delete the name of the appellant no.2 from the cause title of the memorandum of the present appeal.

FMA 1293 of 2010:-

The instant appeal has been filed by the claimants against the judgment and award dated February 20, 2007 passed by the learned Judge, Motor Accident Claims Tribunal, 1st Court, Paschim Medinipur, in M.A.C. Case No.510 of 2005.

Mr. Krishanu Banik, counsel appearing on behalf of the appellants/claimants, submits that the matter has been settled with the Insurance Company and the Insurance

Company is now required to pay an additional sum of Rs.2,80,000/- by way of enhancement. He further submits that he does not wish to pursue this appeal and withdraw the same. It is further submitted that the awarded sum has already been paid to the appellants/claimants.

In the light of the above submission, the respondent/Insurance Company is directed to pay the enhanced sum of Rs.2,80,000/- to the appellant/claimant's bank account directly within a period of four weeks from the date of receipt of the bank details in the manner and proportion as provided in the award.

The appellants/claimants are directed to provide their bank details to the Insurance Company within a period of two weeks from date.

With the aforesaid directions, the instant appeal is disposed of.

There shall be no order as to costs.

In view of the disposal of this appeal, connected applications, if any, are also disposed of.

The Registry is directed to send down the lower court records at once, if received by this time.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Shekhar B. Saraf, J.)