

Ct. 14.7
No. 26 2021
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F.M.A. 10 of 2010
(Via Video Conference)
National Insurance Co. Ltd.
Vs.
Rajvinder Kaur & Anr.

Mr. Parimal Kumar Pahari
Mr. Rajesh Singh ...For the Appellant/Insurance Co.
Mr. Amit Ranjan Roy ...For the Respondent/Claimant

The appeal is directed against the judgment and award dated August 24, 2009 passed by the learned Commissioner, Workmen's Compensation (Second Court), West Bengal at Calcutta, in Claim Case No. 2 of 2007.

The facts of the case are not in dispute. The claim case was filed in connection with the accident dated 27th September, 2006 when one Malkit Singh died.

The appeal is preferred by the appellant Insurance Company preliminary on the ground that the Insurance Company was not liable at the first instance to bear the compensation payable to the claimant. According to Mr. Parimal Kumar Pahari, learned Counsel for the Insurance Company, it is the employer who is liable to pay the compensation and such employer has liberty to submit an insurance claim for reimbursement from the Insurance Company.

Upon the appeal the relevant provisions of Workmen's Compensation Act, 1923, I am of the view that the compensation found payable to the claimant cannot be directed to be made good by the Insurance Company, the liberty is that all the insured employer who should pay and recover from the Insurance Company. However, Mr. Pahari has fairly submit that in view of the polity issued by the National Insurance Company and claimant being a poor

person would otherwise be prejudiced, if remanded was ordered, it shall pay, compensation to the claimant. He further submits that a sum of Rs.4,28,195/- has been deposited with the Court of the learned Commissioner prior to the filing of the appeal as per law. Subsequently, this Court directed the learned Commissioner to keep the amount in any renewable fix deposit scheme. He further submits that the sum along with the interest accrued thereon may be disbursed to the claimant.

Mr. Amit Ranjan Roy, learned Counsel for the claimant does not dispute the above contention of Mr. Pahari and he is further agreeable to accept the amount deposited by the Insurer in the Court of the learned Commissioner.

It appears from the order dated March 16, 2010, this Court directed the concerned Court below to deposit the awarded amount to any renewable fixed deposit scheme, if do so, same may be liquidated, in view of this order.

In view of the above observation, this Court is directed the Commissioner, Workmen's Compensation (Second Court), West Bengal at Calcutta, to disburse the entire awarded sum along with any accrued interest thereon to the claimant/respondent.

In the light of the above, the claimant/respondent shall furnish particulars of her bank account with the concerned Court of the learned Commissioner. Upon deposit of such bank particulars of claimant, learned Commissioner, Workmen's Compensation (Second Court), West Bengal at Calcutta, is directed to pay the deposited sum along with any accrued interest thereon to the claimant/respondent within a period of four weeks from the date of receipt of the bank particulars.

With the aforesaid directions the instant appeal is

disposed of.

In view of disposal of the appeal, connected application, if any, is also disposed of. The concerned Department is directed to trace out the applications and tag the same with this appeal.

There shall be no further order as to costs.

LCR, if any, may be returned back to the Court below.

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.*)