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(Via Video Conference)

F.M.A.T 55 of 2018
with
I.A. No. CAN 1 of 2018
(Old No.CAN 1201 of 2018)
with
I.A. No. CAN 2 of 2018
(Old No.CAN 1202 of 2018)

Bajaj Allianz General Insurance Company Limited
Vs.
Sujata Roy & Ors.

Mr. Rajesh Singh

...For the Appellant/
Insurance Company

Mr. Saidur Rahman

...For the Respondents/
Claimants

I.A. No. CAN 1 of 2018
(Old No.CAN 1201 of 2018)

This is an application for condonation of delay in filing the instant appeal.

On perusal of the pleadings, this Court is satisfied that cause shown for delay in filing of the appeal is sufficient and prayer for condonation of delay should be allowed.

Accordingly, the application for condonation of delay stands allowed. The appeal is restored to its original file and number.

The application for condonation of delay is disposed of.

F.M.A.T 55 of 2018

The instant appeal has been filed by the appellant/Insurance Company being aggrieved by the

judgment and award dated September 13, 2016 passed by the Judge, Motor Accident Claims Tribunal (Addl. District Judge), Islampur, Uttar Dinajpur in M.A.C. Case No. 133 of 2015 (CIS MACC 528 of 2015).

By the impugned award, the relevant motor accident claims tribunal allowed an application and awarded compensation to be paid to the claimants by the insurance company together with interest from the date of presentation of the application.

Mr. Rajesh Singh, counsel appearing on behalf of the appellant/Insurance Company submits that the matter has been settled between the parties and the settled compensation amount i.e., Rs.8,00,000/-(Rupees eight lakh) has been secured by the Insurance Company with the Registrar General of this High Court. He also submits that the respondents/claimants may be directed to withdraw the entire settled amount from the Registrar General of this Court.

Mr. Saidur Rahman, counsel is appearing on behalf of the respondents/claimants and prays for withdrawal of the entire settled amount of Rs.8,00,000/-(Rupees eight lakh).

I have heard counsel appearing on behalf of the parties.

In light of the above submissions the respondents/claimants are at liberty to withdraw the settled amount of Rs.8,00,000/- lying with the Registrar

General of this Court along with accrued interest within a period of four weeks from the date of communication of this order.

The respondents/claimants shall furnish particulars of their bank accounts as also proof of identity with the Registrar General of this Court within two weeks from date. Upon receipt of such bank details, the Registrar General is directed to pay the aforesaid amount with accrued interest, if any, to the respondents/claimants in the same manner and proportion as indicated in the judgment and award of the tribunal within a period of four weeks.

The Registrar General shall check the veracity of the bank accounts and identity of the claimants before disbursing the amount.

The registrar General is also directed to return the balance sum with accrued interest, if any, to the Insurance Company if an approach in this behalf is made.

The appeal is disposed of. Accordingly the connected application is also disposed of.

There shall be no order as to costs.

The department is directed to send down the LCR.

Photostat certified copy of this order, if applied for, be furnished upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)