

S/L 10
28.6.2021
Court No.26
SD

FMAT 131 of 2018
With
CAN 1 of 2018
(Old CAN 2747 of 2018)
(Via Video Conference)

Biswajit Dolai
Vs.
Bajaj Allianz General Insurance Co. Ltd. & Anr.

Mr. Ashique Mondal
...for the Appellant/Claimant.
Mr. Soumlaya Ganguli
...for the Respondents/Insurance Co.

CAN 1 of 2018 (Old CAN 2747 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 being CAN 1 of 2018 (old CAN 2747 of 2018) stands allowed.

FMAT 131 of 2018:-

This appeal has been filed by the appellant/claimant for enhancement of the amount awarded by judgment and award dated April 24, 2017 passed by the learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, 3rd Court, Tamluk, Purba Medinipur in M.A.C. Case No. 280 of 2014.

Mr. Ashique Mondal, counsel appearing on behalf of the appellant/claimant submits that the matter has been settled with the Insurance Company and the Insurance Company is now required to pay a further sum of

Rs.12,50,000/- 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 appellant/claimant.

In the light of the above submission, the respondent/Insurance Company is directed to pay the enhanced sum of Rs.12,50,000/- 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 appellant/claimant is directed to provide his 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 application, if any, is 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.)