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(Via Video Conference)

F.M.A 937 OF 2010
with
I.A. No. CAN 3 OF 2014
(Old No.CAN 3397 OF 2014)

The New India Assurance Co. Ltd.
Vs.
Dipak Ranjan Das & Anr.

Mr. Sanjay Paul

...For the Appellant/
Insurance Co.

Mr. Amit Ranjan Roy

...For the Respondents/
Claimants

The appeal is directed against the judgment and order dated December 16, 2009 passed by the learned Judge, Motor Accident Claims Tribunal, 2nd Court, Asansol in M.A.C Case No. 14 of 2008/90 of 2007.

Mr. Roy, counsel appearing on behalf of the respondent no. 1/claimant submits that during pendency of the instant appeal claimant, Dipak Ranjan Das had died intestate leaving behind Smt. Radha Rani Das, Sri Ankan Das and Sri Partha Pratim Das as his legal heirs and successors of his estate. This fact was communicated to the appellant/Assurance Company and accordingly the Assurance Company has filed an application bearing I.A. No. CAN 3 of 2014 (Old No. CAN 3397 of 2014) for substitution and/or recording the names of Smt. Radha Rani Das, Sri Ankan Das and Sri Partha Pratim Das in the instant appeal in place and stead of said Dipak

Ranjan Das, since deceased. The said application was disposed of by an order dated June 24, 2021 by adding and/or substituting the names of Smt. Radha Rani Das, Sri Ankan Das and Sri Partha Pratim Das in place and stead of Dipak Ranjan Das, since deceased.

Mr. Sanjay Paul, counsel appearing on behalf of the Assurance Company submits that the Assurance Company has already deposited the entire awarded sum before the Registrar General of this Court and the said amount has been invested in a short term auto renewable fixed deposit account.

Counsel appearing on behalf of the parties submit that the matter has been settled out of Court and the substituted respondents may be directed to withdraw a sum of Rs.3,00,000/- along with accrued interest calculated from the date of deposit of the awarded sum till payment in equal share.

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 with accrued interest lying with the Registrar General of this Court.

The respondents/claimants shall furnish particulars of their bank accounts as also proof of identity of each 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 equal share, 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 amount with accrued interest, if any, to the Assurance Company, if an approach in this behalf is made.

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

There will 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 formalities.

(Shekhar B. Saraf, J.)