

Ct. No. 26
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2021**

F.M.A.T. 311 of 2010
With
IA No. CAN 1 of 2015 (Old No. CAN 8952 of 2015)
(Via Video Conference)
Smt. Tandra Ghosh & Ors.
Vs.
The New India Assurance Co. Ltd. & Anr.

Mr. Krishanu Banik	...For the Appellants/Claimants
Mr. Sanjay Paul	...For the Respondent/Insurance Co.
Mr. Phiroze Edulji	...For the Respondent

C.A.N. 1 of 2015 is an application for condonation of delay in filing the appeal.

Causes being sufficient, delay is condoned and the appeal is taken up for final disposal by consent of the parties.

The application for condonation of delay is disposed of.

The Instant appeal is directed against the judgment and award dated November 12, 2008 passed by the learned Additional District & Sessions Judge, Fast Track, 3rd Court, Asansol, in M.A.C. Case No. 29/207 of 2006/2006.

Mr. Krishanu Banik, learned 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.4,00,000/- by way of enhancement. He further submits that he does not wish to pursue this appeal. It is further submitted that the awarded sum has already been paid to the claimants/appellants.

In the light of the above submission, the Insurance Company is directed to pay the enhanced sum of Rs.4,00,000/- to the claimants' bank account directly within a period of four weeks from the date of receipt of the bank

account details of the appellants.

Learned Counsel for the appellants will forward the bank account details of the appellants within a fortnight from date to the learned Counsel for the Insurance Company. The payment shall be made in the same manner and proportion as decided by the Court below.

With the aforesaid directions the instant appeal is disposed of.

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.)