

S/L 7
28.6.2021
Court No.26
SD

FMAT 262 of 2017
(Via Video Conference)

Sri Pradip Sarkar
Vs.

The New India Insurance Co. Ltd. & Anr.

Mr. Muktakesh Das

...for the Appellant/Claimant.

Mr. Rajesh Singh

...for the Respondents/Insurance Co.

It appears to this Court that the instant appeal has been filed out of statutory period. Being satisfied with the cause for delay in filing the instant appeal and since counsel appearing on behalf of the respondents/Insurance Company did not oppose, this Court condones the delay in filing the instant appeal and the instant appeal is taken up for hearing.

This appeal has been filed by the appellant/claimant for enhancement of the amount awarded by judgment and award dated April 30, 2016 passed by the learned Judge, Motor Accident Claims Tribunal, Additional District Judge, 5th Court, Nadia at Krishnagar in M.A.C. Case No. 34 of 2007.

Mr. Muktakesh Das, 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.4,00,000/- 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.4,00,000/- 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.)