

Ct. 02.7
No. 26
1&2
akb
2021

F.M.A. 789 of 2007
With
IA No. CAN 1 of 2007 (Old No. CAN 815 of 2007)
Tata AIG General Insurance Co. Ltd.
Vs.
Mithun Ghosh
With
F.M.A.T. 1477 of 2007
Mithun Ghosh
Vs.
Raj Kumar Ghosh & Anr.
(Via Video Conference)

Mr. Rajesh Singh ...For the Appellant/Insurance Co.
and respondent/Insurance Co. in
FMAT 1477 of 2007

Mr. Jitendra Nath Pal
Ms. Nandini Mukhopadhyay...For the Respondents/Claimants
And Appellant/Claimant in
FMAT 1477 of 2007

Instant appeal (FMA 789 of 2007) is directed against the judgment and award dated December 12, 2006 passed by the learned Additional District & Sessions Judge, Fast Track Court, 1st Court, Diamond Harbour, South 24 Praganas, in MAC Case No. 29 of 2006.

Mr. Rajesh Singh, learned Counsel appearing on behalf of the appellant Insurance Company, on instruction submits in Court today that his client/Insurance Company does not wish to pursue the instant appeal any further as the matter has been settled with the claimant/respondent. He further submits that Insurance Company had deposited a total sum of Rs.1,51,880/- by way of two separate deposits in the High Court. From the said deposit, claimant has already withdrawn Rs.50,000/- pursuant to the liberty granted by this Court.

Now, in terms of the settlement, Insurance Company is to get Rs.25,000/- from the Registrar General, and claimant would be entitled to withdraw the entire

balance amount together with all accrued interest, kept with the Registrar General, as full and final settlement.

In the light of the above settlement, the claimant/respondent shall furnish particular of his bank account as also proof of identity with the Registrar General of this Court as expeditiously as possible. Upon deposit of such details, the Registrar General is directed to pay Rs.25,000/- to the Insurance Company and thereafter entire balance amount with all accrued interest to the claimant/respondent in accordance with law within a period of four weeks. The Registrar General shall check the veracity of the bank account and the identity of the claimant before disbursing the amount.

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This appeal has been filed separately by the claimant/respondent in the abovementioned appeal against the self same award passed by the learned Judge of the Tribunal.

In view of the settlement reached by and between the parties, the learned Advocate for the claimant, upon instructions, does not wish to proceed with this appeal and, accordingly, it is treated as withdrawn.

With the aforesaid directions, both the appeals are disposed of.

There shall be no further order as to costs.

In view of disposal of the appeals, all connected applications are also disposed of.

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.*)