

23.12.2021
Item No.16
Ct. No.7
AGM
(disposed of)

**FMA 3494 of 2016
(Physical Hearing)**

**National Insurance Co. Ltd.
Vs.
Kamakshya Banerjee & Ors**

Mr. Rajesh Singh, Adv.
...for the appellant/Insurance Company.

Ms. Sima Ghosh, Adv.
...for the respondents/claimants.

Mr. Rajesh Singh, learned advocate appearing for the Appellant/Insurance Company on instruction submits that a settlement has already been reached between the parties, and in view of such settlement, the instant appeal may be disposed of.

Ms. Sima Ghosh, learned advocate appearing for the claimants/respondents has conceded to the submissions advanced by Mr. Rajesh Singh.

This is an appeal of Insurance Company and is directed against the judgment and award dated 22nd December, 2015, passed by learned Judge, Motor Accident Claims Tribunal, 4th Court, Additional District and Sessions Judge, Suri, Birbhum in M.A.C. Case No. 79 of 2014, on a claim under Section 166 of the M.V.Act, 1988, granting an award to the tune of Rs. 21,41,000/- to the dependents of the deceased, namely, Prasanta Adhikari for a vehicular accident

occurred on 17th March, 2014, by reason of involvement of vehicle No. WB-54L/7912 in consequence of rash and negligent driving.

Mr. Singh, learned advocate appearing for 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. He further submits that a sum of Rs. 25,000/-, being the statutory amount and a further sum of Rs. 25,30,957/-, amounting to a total of Rs. 25,55,957/- has been deposited by the insurance company with the learned Registrar General of this Court.

Ms. Sima Ghosh, learned advocate for the respondents/claimants submits that from the above deposit, pursuant to the leave dated 23.12.2016 granted by this Court, claimants have already withdrawn Rs. 12,77,976/- from the Hon'ble High Court.

Now, in view of the settlement reached, the parties agree that claimants shall withdraw a further sum of Rs. 10 lakhs from the High Court. Claimants/respondents shall furnish particulars of their Bank details 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 the said sum of Rs. 10 lakhs

directly in the bank account of the claimants through RTGS/NEFT, in the proportion decided by the Court below. Such payment must reach the claimants within four weeks from the date of receipt of the Bank details from the claimants/respondents. After disbursing the aforesaid sum to the claimants, the learned Registrar General is further directed to refund the entire balance deposit with interest accrued, to the Insurance Company within a period of four weeks.

With the aforesaid directions the instant appeal is disposed of.

In view of the disposal of this appeal, connected application, if any, is also disposed of.

There will no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Subhasis Dasgupta, J.)