

Ct. No. 26
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**06.7
2021**

F.M.A. 2735 of 2016

(Via Video Conference)

Smt. Sumitra Giri & Ors.

Vs.

The New India Assurance Co. Ltd. & Anr.

Mr. Jayanta Kumar Mandal ...For the Appellants/Claimants

Mr. Sanjay Paul ...For the Respondent/Insurance Co.

The Instant appeal is directed against the judgment and award dated February 19, 2016 passed by the learned Tribunal Judge, Motor Accident Claims Tribunal, Additional District Judge at Diamond Harbour, South 24-Parganas, in M.A.C. Case No. 454 of 2009.

Mr. Jayanta Kumar Mandal, 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.1,80,000/- 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.1,80,000/- 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.*)