Ct. No. 26

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F.M.A.T. 573 of 2012

Future Generali India Insurance Co. Ltd.
With
Purnima Majumder & Ors.
With
C.O.T. 56 of 2018
Purnima Majumder & Ors.
Vs.
Future Generali India Insurance Co. Ltd.
(Via Video Conference)

Ms. Gopa Das Mukherjee ...For the Appellant/Insurance Co. And respondent in COT 56 of 2018

Mr. Krishanu Banik ...For the Respondents/Claimants & Appellants in COT 56 of 2018

The appeal of Insurance Company as also the cross objection are directed against the judgement and award dated March 31, 2012 passed by the learned Judge, Motor Accident Claims Tribunal, 7th Court, Alipore, in M.A.C. Case No. 66 of 2011.

The disputes arising in the appeals have been settled amicably by and between the parties. The claim of compensation of the respondents/claimants is Rs.31,00,000/- and the appellant Insurance Company is agreeable to pay the said amount.

Learned Counsel for the appellant/Insurance Company submits that the appellant Insurance Company had deposited a sum of Rs.24,97,700/- including the statutory deposit of Rs.25,000/- with the learned Registrar General of this Hon'ble Court and the said amount of Rs.24,97,700/- has been invested by the learned Registrar General in a Nationalized Bank in short term Fixed Deposit Scheme with renewal terms and conditions.

In view of the settlement arrived at by and between the parties, the Registrar General is directed to release the said amount of Rs.24,97,700/- in favour of the respondents/claimants.

The claimants/respondents shall furnish particulars of their Bank account details with the Registrar General of this Court as expeditiously as possible within a fortnight from date. Upon deposit of such details, the Registrar General is directed to pay the sum indicate as above to the claimants/respondents in the same manner and proportion as decided by the Court below. The Registrar General shall check the veracity of the bank accounts and the identity of the claimants before disbursing the amounts.

Such payment must reach the claimants/respondents within four weeks from the date of receipt of the Bank details from the claimants/respondents.

The balance amount of Rs.6,02,300/- be payable by the appellant Insurance Company directly to the bank account of the claimants/respondents by electronic process i.e. NEFT. The said balance payment be made by the appellant Insurance Company within a period of 45 days from the date of forwarding the bank particulars to the appellants/Insurance Company.

Registrar General is also directed to refund the accrued interest of Rs.24,97,700/- to the appellant/Insurance Company upon showing evidence of payment of Rs.6,02,300/- to the claimants/respondents within a period of four weeks from date.

With the aforesaid observation, cross objection, being C.O.T. No. 56 of 2018 filed by the claimants / respondents is allowed and the instant appeal, being FMAT 573 of 2012 of the appellant/Insurance Company is dismissed.

In view of disposal of the appeals, connected applications, if any, are also disposed of. The concerned Department is directed to trace out the applications and tag the same with this appeal.

There shall be no further order as to costs.

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.)