

Ct. 12.7
No. 26 2021
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akb

F.M.A. 1496 of 2008
With
IA No. CAN 2/ 2014 (Old No. CAN 11807 of 2014)
(Via Video Conference)
Smt. Sumitra Mondal & Ors.
Vs.
The New India Assurance Co. Ltd. & Anr.

Mr. Krishanu Banik **...For the Appellants/Claimants**
Mr. Rajesh Singh **...For the Respondent/Insurance Co.**

This is an application for taking note of the death of the appellant No.4, being Atashi Mondal who died intestate on 08.01.2010 leaving behind her legal heirs, i.e. appellant Nos. 1 to 3 who are already on record. The date of death of appellant No. 4 appears from page 7 being annexure 'P' to this application.

Accordingly, the prayer made by the applicants in this application is allowed. The concerned department is directed to amend the cause title of the memorandum of the instance appeal.

It is submitted by Mr. Krishanu Banik, the learned Counsel appearing for the appellants/claimants that during the pendency of the present appeal, the appellant Nos. 2 and 3 have attained majority.

On the prayer of the learned Counsel, the recording of attainment of majority of the appellant Nos. 2 and 3 is allowed. Concerned department is directed to make necessary amendments in the cause title of the memorandum of appeal.

The appeal is directed against the judgment and award dated March 4, 2008 passed by the learned Judge, Motor Accident Claims Tribunal, 5th Court, Burdwan, in

M.A.C. Case No. 55/207 of 2007/2007.

Mr. Krishanu Banik, the 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.3,25,000/- 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.3,25,000/- in equal share to the three claimants through their bank accounts directly within a period of 45 days from the date of receipt of the bank account details of the appellants/claimants.

Learned Counsel for the appellants/claimants 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 equal share amongst the three appellants/claimants i.e. appellant Nos. 1, 2 and 3.

With the aforesaid directions the instant appeal and the connected applications are disposed of. In view of disposal of this appeal, connected applications are also 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.*)