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(Via Video Conference)

F.M.A.T. 1099 OF 2019
with
I.A. No. CAN 1 OF 2021

Bajaj Allianz General Insurance
Company Limited
-Vs.-
Samar Bairagi & Ors.

Mr. Rajesh Singh

...For the Appellant/
Insurance Company

Mr. Rajdeep Bhattacharya

...For the Respondents/
Claimants

The appeal is directed against the judgment and order dated 26th June, 2019 passed by the Additional District Judge, Motor Accident Claims Tribunal, Fast Track Court No. 1, North 24-Parganas, Barasat, in Motor Accident Claim Case No. 9 of 2013.

The Insurance Company is not willing to proceed with the appeal since they have complied with the award and deposited the cheques in favour of the claimants in the tribunal. Accordingly, the insurer is granted liberty to withdraw the statutory deposit of Rs.25,000/- with accrued interest from the office of Registrar General of the this Court.

The claimants submit that the Insurance Company in compliance with the order, passed by the tribunal, has deposited four different cheques in the names of Samar

Bairagi, Samir Bairagi, Swapna Bairagi and Sasthi Bairagi. Out of the said deposit, Samar Bairagi has withdrawn his cheque and encashed the same. However, cheques in the names of Samir Bairagi, Swapna Bairagi and Sasthi Bairagi could not be encashed for the following reasons –a) Swapna Bairagi's present name is 'Swapna Biswas' after her marriage and she contested the claim case as Swapna Biswas and therefore a cheque in the name of Swapna Biswas is required to be issued. b) Sasthi Bairagi's original name is Laxmi Sarkar and Sasthi is her nick name and she also contested the proceeding as Laxmi Sarkar and therefore another cheque in the name of 'Laxmi Sarkar' is required to be issued. c) The cheque in the name of Samir Bairagi could not be withdrawn as Samir Bairagi is missing and not traceable.

The Insurance Company does not raise any objection to the above submissions of the counsel appearing for the Claimants.

In view of the above, Insurance Company is directed to withdraw the cheques in the name of Samir Bairagi, Swapna Bairagi and Sasthi Bairagi from the tribunal within three weeks from date. Subsequent to such withdrawal, insurer should make payment directly into the bank accounts of Swapna Biswas and Laxmi Sarkar through NEFT/RTGS within a fortnight.

Counsel appearing for the claimants is directed to furnish the bank particulars of the above two claimants, namely Swapna Biswas and Laxmi Sarkar to counsel for the insurance company within a week. For the share of compensation of Samir Bairagi, leave is granted to the said claimant Samir Bairagi or his legal heirs to initiate appropriate proceeding in accordance with law and claim it from the insurance company.

With the aforesaid directions the instant appeal is disposed of.

In view of the disposal of this appeal, connected applications, if any, are also disposed of. The department concerned is directed to tag the applications, if any, with the main appeal.

There will be no order as to costs.

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.)