

Ct. 02.7
No. 26 2021
7&8
akb

F.M.A.T. 58 of 2011
The New India Assurance Co. Ltd.
Vs.
Babu Ghosh & Ors.
With
F.M.A.T. 1191 of 2012
Babu Ghosh
Vs.
The New India Assurance Co. Ltd.
(Via Video Conference)

Mr. Rajesh Singh	...For the Appellant/Insurance Co. and respondent/Insurance Co. in FMAT 1191 of 2012
Mr. Muktakesh Das	...For the Respondents/Claimants and Appellant/Claimant in FMAT 1191 of 2012

These two appeals are directed against the self same judgment and award dated August 26, 2010 passed by the learned Member, Motor Accident Claims Tribunal and Additional District Judge, Nadia at Krishnagar, in MAC Case No. 464 of 2006. The appeal, being FMAT 58 of 2011 has been filed by the Insurance Company and the other one, being FMAT 1191 of 2012 has been filed by the claimant.

By consent of the parties, these two appeals are taken up for hearing one after another.

F.M.A.T. 58 of 2011

Mr. Rajesh Singh, learned Counsel appearing on behalf of the Insurance Company submits that this appeal has been settled as the award has been passed by the National Lok Adalat dated February 10, 2018 in FMAT 1191 of 2012, wherein the Insurance Company is directed to pay a sum of Rs.2,25,000/- to the claimants. He accordingly, wishes to withdraw this appeal unconditionally.

Accordingly, let the appeal, being FMAT 58 of 2011 be treated as disposed of.

The Insurance Company shall be at liberty to withdraw the statutory deposit of Rs.25,000/- lying with the Registrar General of this Court upon showing evidence of payment of Rs.2,25,000/- along with the interest at the rate of 4% per annum from March 10, 2018 till the date of payment to the claimants within a period of four weeks from date.

F.M.A.T. 1191 of 2012

This appeal has been disposed of by the National Lok Adalat dated February 10, 2018.

Therefore, the payment indicated in the award shall be paid by the Insurance Company as indicated above.

With the aforesaid directions both the appeals are disposed of. There shall be no further order as to costs.

In view of disposal of the appeals, all connected applications are also disposed of.

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.)