March 16, 2021
ARDR
(75)

FMAT 1175 of 2017
+
(IA CAN 1 of 2017) (Old CAN 11515 of 2017)
(CAN 2 of 2017) (Old CAN 11518 of 2017)

National Insurance Company Ltd.
Vs.
Archana Mandal & ors.

Mr. Samim Ahmed,
…for the appellant.
Mr. Saidur Rahaman,
…for the respondents.

Re : IA CAN 1 of 2017
(Old CAN 11515 of 2017)

The instant application has been filed under Section 5 of the Limitation Act for condonation of delay in filing of this appeal.

I have perused the grounds made out in the application for condonation.

I am satisfied that there are sufficient reasons as to why the appellant had not preferred the appeal within the stipulated time period.

The delay in filing this appeal is condoned.

CAN 11515 of 2017 stands allowed.

Re : **FMAT 1175 of 2017**

By consent of the parties, the appeal is taken up for hearing.

This appeal is directed against an Award dated 24th November, 2016 passed by the learned Additional District & Sessions Judge, First Track 2nd Court, Malda in MACC no. 220 of 2011. By the impugned

Award the learned Judge had awarded a sum of Rs.4,12,500/- against the appellant/Insurance Company.

This claim arises out of a motor accident case.

I have heard the appellant.

Pursuant to an earlier direction of Court, the parties had been directed to settle the matter.

I am of the view that there are no grounds whatsoever to interfere with the impugned award. The award is well reasoned award and has been passed in the facts and circumstances of the case and after considering the evidence and the relevant law.

I have perused the impugned award. I also find that the impugned award contains adequate and sufficient reasons and has been passed after careful consideration of the evidence adduced by the parties. The claimants are the heirs of the deceased victim.

In view of the aforesaid FMAT 1175 of 2017 stands dismissed.

The Insurance Company/Appellant is directed to pay the amount of Rs.4,12,500/- together with interest as directed by the Tribunal under the impugned award directly into the bank account of the claimants within a period of 30 (thirty days) from the receipt of the bank particulars from the Advocate of the claimants.

The appellant/insurance company is also granted liberty to withdraw the statutory deposit of

Rs.25,000/- along with accrued interest lying with the Registrar General of this Court in favour of the appellant insurance company.

In view of the aforesaid CAN 11518 of 2017 is also stands disposed off.

I make it clear that the amount to be paid to the claimants in the same proportion as directed in the impugned award.

(Ravi Krishan Kapur, J.)