

Ct. 28.6
No. 26
2021
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akb

F.M.A.T. 3045 of 2007
(Via Video Conference)
Biva Rani Mitra & Ors.
Vs.
New India Assurance Co. Ltd. & Anr.

Mr. Krishanu Banik
Ms. Sanchita Ghosh ...For the Appellants/Claimants

Mr. Saibalendu Bhowmik
Mr. Biplab Guha ...For the Respondents/Insurance Co.

The applications, being CAN 3 of 2021 for attainment of majority in respect of the appellant Nos. 3 and 4, IA No. 1 of 2004 (Old No. CAN 10781 of 2004) and IA No. CAN 2 of 2013 (Old No. CAN 11894 of 2013) are not available on record.

By consent of the parties, the applications are taken up for hearing.

On the oral prayer of the learned Counsel appearing on behalf of the appellants, all the applications are allowed subject to the prayer made in the said applications. No serious objection has been raised by Mr. Saibalendu Bhowmik, learned Counsel appearing on behalf of the Insurance Company/respondent.

All the applications are disposed of.

The concerned Department is directed to tag the applications with the main appeal.

The Instant appeal is directed against the judgment and award dated April 21, 2007 passed by the learned Judge, Motor Accident Claims Tribunal, 1st Court, Barasat, North 24-Parganas, in M.A.C. Case No. 17 of 2006.

Mr. Krishanu Banik, 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.4,95,000/- 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.4,95,000/-to the claimants bank account directly within a period of four weeks from the date of receipt of the bank account details of the appellants.

Learned Advocate for the appellants will forward the bank account details of the appellants within a fortnight from date to the learned Advocate for the Insurance Company. The payment shall be made in the same manner and proportion as decided by the Court below.

With the aforesaid directions the instant appeal is disposed of.

There shall be no further 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.)