

Ct. 29.7
No. 14
2022

F.M.A. 458 of 2011
IA No. CAN 2 of 2022

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Renuka Bewa & Ors.
-Versus-
The Oriental Insurance Co. Ltd. & Anr.

Mr. Subir Banerjee
Mr. Sandip Bandyopadhyay
Ms. Ruxmini Basu Roy

...For the Appellants
Claimants

Mr. Parimal Kumar Pahari

...For the Respondent
Insurance Co.

The application, being IA No CAN 2 of 2022 seeking recording the death of the appellant No. 2, Hamid Ali and modification of the judgment and award is taken up for hearing.

I have heard the learned Lawyers appearing for the parties.

It is stated by the appellants that during pendency of the appeal, the appellant No. 2, Hamid Ali died. The other appellants/claimants are his legal heirs. But the death of the appellant No. 2 was not noted in the order dated March 01, 2022 by which the appeal was disposed of.

Now, the appellants seek recording the death of the appellant No. 2 and modification of the award.

It appears from a copy of the death certificate annexed to the application that the appellant No. 2, Hamid Ali died on June 08, 2013. It is not in dispute that the rest appellants/claimants are the legal heirs of the appellant No. 2, since deceased.

In view of the above, the death of the appellant No. 2 need to be recorded and the order dated March 01, 2022 needs modification.

In view of the above, the application, being IA No. 2 of 2022 is allowed.

Let death of the appellant No. 2, Hamid Ali be recorded in the memorandum of appeal and other relevant papers, if any.

The order dated March 01, 2022 also stands modified to the extent that the judgment and award has been passed in favour of the appellant No. 1, Renuka Bewa, appellant No. 3, Jhosna Khatun and appellant No. 4, Rezwan Hossain. The amount of money as awarded by this Court vide order dated March 01, 2022 shall equally be distributed among the surviving appellants.

Learned Lawyer appearing for the appellants shall forward the bank account details of the surviving appellants/claimants within a fortnight from date to the learned Lawyer appearing for the respondent No. 1/Insurance Company. The payment shall be made to the claimants' bank account directly by RTGS/NEFT.

Thus, the application stands disposed of.

Urgent photostat copy of the order, if applied for, be supplied to the parties on priority basis on compliance of all necessary formalities.

(Rabindranath Samanta, J.)