

16.10. 2023
Ct. No.654
Sl.No.2
KB

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**FMA 1262 of 2016
with
IA No. CAN 3 of 2023**

**Sushil Sarkar & Another
-Vs-
The National Insurance Co. Ltd. and others**

Mr. Saidur Rahaman
... For appellants-claimants.

Mr. Parimal Kumar Pahari
... For respondents-insurance company.

This matter is appearing under the heading
"To Be Mentioned".

In Re: CAN 3 of 2023.

This is an application for expunging the name of appellant no.1-Sushil Sarkar from the cause title and for passing direction for releasing the entire awarded sum in favour of appellant no.2-Smt. Ajanta Sarkar.

By order dated 20th December, 2022, this appeal was disposed of with a direction upon the Learned Registrar General, High Court, Calcutta to disburse the amount of compensation in favour of claimants in equal proportion.

Mr. Saidur Rahaman, learned advocate for appellants-claimants submits that after disposal of the appeal appellant no.1 has expired on 22nd April, 2023. For such reason the appellant no.2 has filed the

application for expunging the name of the appellant no.1 and for disbursement of the entire amount in her favour. He prays for necessary direction.

Mr. Parimal Kumar Pahari, learned advocate for respondent-insurance company leaves the matter to the discretion of the Court.

It is found from the copy of the Death Certificate annexed to the application that appellant no.1-Sushil Sarkar expired on 22nd April, 2023.

In view of the above the name of deceased appellant no.1-Sushil Sarkar be expunged from the Memorandum of Appeal.

Department concerned is directed to make necessary changes in the memorandum of appeal.

The order dated 20th December, 2022 is modified to the extent that upon deposit of the balance amount of compensation and the interest, Learned Registrar General, High Court, Calcutta shall release the entire amount of compensation in favour of appellant no.2-Smt. Ajanta Sarkar upon satisfaction of her identity.

The other portions of the order dated 20th December, 2022 shall remain unaltered.

IA No. **CAN 3 of 2023** stands thus disposed of.

(Bivas Pattanayak, J.)

