

11-11-2022
Item no.15
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

FMAT No.65 of 2011
Bajaj Allianz General Insurance Company Limited
-vs-
Rekha Sarkar & Ors.
with
CAN No.1 of 2022
and
CAN No.2 of 2022

Mr. Amitava Mitra
Ms. Antara Choudhury ...for the appellant

Mr. Jayanta Banerjee
Ms. Ruxumini Basu Roy ...for the respondents

Copy of CAN No.1 of 2022 be treated as the original, since the original copy is not available in the record. The application is for condonation of delay in filing the substitution application being CAN No.2 of 2022.

After hearing learned advocate for the appellant, the prayer for condonation of delay is allowed. CAN No.1 of 2022 is thus disposed of.

CAN No.2 of 2022 relates to substitution of the legal heir of respondent no.1, Rekha Sarkar who died on December 6, 2019.

The prayer for substitution is considered and allowed. Subhra Sarkar is to be impleaded in the cause title of the memorandum of appeal in place of Rekha Sarkar.

The department is directed to do the needful.

CAN No.2 of 2022 is thus disposed of.

Learned advocate appearing on behalf of the appellant submits that the entire awarded amount, less the

statutory amount of Rs.25,000/- which was deposited earlier, has already been deposited in the office of the Registrar General of this court. Accordingly, the insurance company is not inclined to proceed with the appeal any further.

Considering the submission, the appeal stands dismissed.

The claimant-respondent is at liberty to withdraw the whole amount along with the accrued interest from the office of the Registrar General of this court.

Pending application, if there be any, stands disposed of.

Tribunal record, if any, shall be sent down to the tribunal forthwith.

[Bibhas Ranjan De, J]