

08. 12.07.2022
Ct. No.14
Tanmoy

IA No: C.A.N. 2 of 2021
With
IA No: C.A.N. 3 of 2022
Tandra Dalal & Ors.
-Versus-
The Oriental Insurance Company Limited & Anr.

In
F.M.A. 555 of 2021

Mr. Amit Ranjan Roy, Adv.,
Mr. Suparno Ghosh, Adv.

...for the applicants.

Mr. Parimal Kr. Pahari, Adv.

...for the respondent no.1.

The application being IA No: C.A.N. 2 of 2021 and the application being IA No: C.A.N. 3 of 2022 seeking deletion of the names of appellant nos. 6 and 5 respectively, are taken up for hearing.

I have heard learned Counsel appearing for the parties.

It appears from the death certificates annexed to the respective applications that the appellant no.6, Sambhu Nath Dalal, died on October 9, 2021 and the appellant no.5, Tapati Dalal, died on December 29, 2021.

I find that the aforesaid two appellants died after the appeal was disposed of by an order dated September 29, 2021.

Since the appellant nos. 6 and 5 died after the appeal was disposed of, their names should be deleted from the Memorandum of Appeal as also from the relevant portion of the order where their names appear.

In view of the above, the applications are allowed.

Let the name of the appellant no. 6, Sambhu Nath Dalal and the name of the appellant no. 5, Tapati Dalal, be deleted from the Memorandum of Appeal as also from the portion of the order where their names figure.

Learned Lawyers are on *ad idem* that the share of compensation which was admissible to the appellant nos. 6 and 5, may be equally distributed amongst all the surviving appellants. Accordingly, the order dated September 29, 2021 is modified to this extent that the respondent no. 1, the Oriental Insurance Company Limited, shall pay the amount of compensation to the surviving appellant nos. 1 to 4 in equal share.

As directed *vide* order dated September 29, 2021, the Insurance Company shall pay the compensation to the appellant nos. 1 to 4 through NEFT/RTGS to the Bank accounts of the aforesaid appellants/claimants within four (4) weeks after the appellant nos. 1 to 4 furnish their Bank accounts particulars to the said Insurance Company.

Accordingly, the order dated September 29, 2021 stands modified.

The application being IA No: C.A.N. 2 of 2021 and the application being IA No: C.A.N. 3 of 2022 arising out of F.M.A. 555 of 2021 stand disposed of accordingly.

Let urgent Photostat certified copies of this order, if applied for, be made available to the parties upon compliance with all necessary formalities.

(Rabindranath Samanta, J.)