

31-08-2022
Item no.2
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

FMAT No.745 of 2021
National Insurance Company Limited
-vs-
Jishnu Krishna Murmu & Ors.

Mr. Rajesh Singh ...for the appellant

Mr. Rajdeep Bhattacharya ...for respondents-claimants

This appeal has been preferred assailing the judgement and award passed by the learned Judge, Motor Accident Claims Tribunal, FTC-III, Sadar, Paschim Medinipur in MACC No.94 of 2018 directing the National Insurance Company to pay compensation of Rs.32,20,772/- with interest at the rate of 6% p.a. on this amount from the date of filing of the claim application.

Mr Singh, learned lawyer appearing for the appellant-insurance company submits that the insurance company has settled the appeal with the claimants for a consolidated one-time payment of Rs.33,00,000/- to be paid by the insurance company to the claimants which the claimants have agreed to accept. Written instruction to this effect filed by Mr Singh be taken on record. On such score, Mr Singh submits that the appeal may be disposed of in terms of the settlement arrived at between the parties.

To this, learned lawyer for the claimants submits that his clients have already accepted the proposal made by the insurance company to get the appeal disposed of on payment of Rs.33,00,000/-. In this view of the matter, learned lawyer seeks an order to this effect.

Since the parties have settled the claim out of court

in the above-noted terms, I think that the appeal may be disposed of in terms of such settlement.

Accordingly, the appeal is disposed of in terms of the above terms and settlement ordering as follows.

The insurance company, the appellant herein, is directed to deposit Rs.33,00,000/- as compensation by way of a cheque with the learned Registrar General of this court within five weeks from date. After the amount is deposited, the learned Registrar General shall release this awarded amount of money to the fifth respondent – Gorachand Murmu – as expeditiously as possible after being satisfied with his identity.

The insurance company is at liberty to withdraw the statutory deposit of Rs.25,000/- deposited earlier and the interest accrued thereon from the office of the learned Registrar General.

Connected application, if any, stands disposed of.

No order as to costs.

Let a copy of this order be sent to the learned tribunal for information.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

[Rabindranath Samanta, J]

