

17.02.2022
Item No.30
Ct. No.7
CHC
(disposed of)

F.M.A.T.1219 of 2018
IA NO: CAN/1/2019 (Old No.CAN/11595/2019)
(not in file)
(Physical Hearing)

Rafiq Alam
Vs.
National Insurance Company Limited & anr.

Sk. Abu Abbas Uddin
...for the appellant/claimant

Mr. Rajesh Singh
...for the respondent /
Insurance Company

Learned advocates for both the parties are ad idem on the point that the instant appeal may be disposed of giving a go-by to the technicalities involved in the process.

Mr. Abu Abbas Uddin, learned advocate appearing for the claimant/appellant on instruction submits that a settlement has already been reached between the parties, and in view of such settlement, the instant appeal may be disposed of. Claimant admit that he has received the amount awarded by the learned Tribunal Judge.

Mr. Rajesh Singh, learned advocate appearing for the respondent/Insurance Company has conceded to the submissions advanced by Mr. Abbas Uddin.

This appeal of the claimant is directed against the judgement and award dated 30th July, 2018, passed by learned Judge, City Civil Court, Calcutta, Ivth Bench, in M.A.C. Case No.23 of 2015, on a claim under Section 166 of the M.V. Act, 1988, granting an award to the tune of Rs.4,42,441/- to the victim, namely, Rafique Alam for vehicular accident occurred on 1st October, 2014, by reason of involvement of vehicle No.WB-22U/4231, in consequence of rash and negligent driving.

It has been jointly submitted in Court today by both the learned advocates appearing for both the parties, upon instruction, that a settlement has been reached between the parties and by such settlement, the respondent/Insurance Company has agreed to pay a sum of Rs.2,25,000/- further to the claimant and the claimant is ready and willing to accept such amount of Rs.2,25,000/- further from the Insurance Company.

Accordingly, claimant/appellant shall furnish particulars of his Bank details to the respondent/Insurance Company as expeditiously as possible. Upon receipt of the said bank account particulars of the claimant, Insurance Company is directed to pay the said sum of Rs.2,25,000/- directly in the bank account of the claimant through RTGS/NEFR. Such payment must reach the claimant within four weeks from the date of receipt of the Bank details from the claimant/appellant.

With the aforesaid decisions, the instant appeal is disposed of.

In view of the disposal of this appeal, connected applications, if any, are also disposed of.

The concerned department is directed to tag the applications, if any, with the main appeal.

There shall be no order as to costs.

L.C.R., if any, may be returned back to the court below, if received in the meantime.

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

(Subhasis Dasgupta, J.)