

30.03.2023
Ct. No.237
SL No.14

Rup

FMA 1335 of 2007

Oriental Insurance Co. Ltd.

Vs

Abdul Diyan Mondal

Mr. Sanjoy Paul.

... For the appellant

This appeal has been preferred against the judgment passed by Motor Accidental Claims Tribunal Diamond Harbour, 24-Parganas (South) in connection with Motor Accident Claim Case No. 153 of 2006 whereby learned Judge awarded compensation to the tune of Rs. 82,000/-.

None appears on behalf of the respondent/claimant despite service of administrative notice.

Mr. Sanjoy Paul, learned advocate appearing on behalf of the Oriental Insurance Company Limited is present and referred to the judgment as well as evidence of disability certificate issued by Doctor.

The claim arose out of an application under Section 163A of the Motor Vehicle Act on account of injuries sustained by claimant, Abdul Diyan Mondal in the motor accident. Evidence was adduced on behalf of the claimant/insured. Insurance Company contested the application by filing written statement.

After considering all the evidence on record, learned Judge passed judgment awarding a sum of Rs.82,000/- towards medical expenses, pain & suffering and also considered the 20% disability and finally awarded a sum of Rs.82,000/-.

On a careful consideration of the entire materials on record and the judgment, I find no reason to interfere with the award passed by the learned Tribunal.

Accordingly, this appeal stands dismissed.

It is submitted by Mr. Paul that entire awarded amount has already been deposited with the office of the learned Registrar General, High Court, Calcutta.

Department is directed to inform the claimant for withdrawing the awarded amount with accrued interest from the office of the learned Registrar General, High Court, Calcutta.

Registrar General, High Court, Calcutta is requested to disburse the awarded amount of Rs.82,000/- on verification and on proof of identification.

Let a copy of this order along with Tribunal records shall be transmitted back to the learned Tribunal immediately.

Urgent certified copy of this order, if applied for, be given to the appearing parties as expeditiously as possible upon compliance with the all necessary formalities.

(Bibhas Ranjan De, J.)