

14.07.2023
Ct. no.654
Item no.98
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**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(Appellate Side)**

FMAT 387 of 2016
(CAN 1/2016(Old CAN 6054/2016) & CAN 2/2016(Old CAN 6066/2016))

**National Insurance Co. Ltd.
Vs.
Safu Ansari & Anr.**

Mr. Afroze Alam
...for the appellant-insurance company

Affidavit of service filed on behalf of the
appellant-insurance company is taken on record.

Mr. Afroze Alam, learned advocate for the
appellant-insurance company, submits that the
award passed by the learned Tribunal has been
satisfied in the execution proceeding being no. Misc.
Execution Case No. 1 of 2016 and as such the
insurance company does not intend to proceed
further with the instant appeal. He also submits that
in compliance to order of this Court dated 19th July,
2018, the insurance company has deposited the
entire awarded sum together with interest which is to
be refunded to the insurance company with accrued
interest, as the award has already been satisfied in
the execution proceedings. He files a copy of the e-
mail containing written instructions for withdrawal of
the appeal, photocopy of the challans showing
deposit of statutory amount and deposit in terms of
the order of this Court dated 19th July, 2018 and the

order no.10 dated 15th September, 2017 passed by the learned Tribunal in Misc. Execution Case No. 1 of 2016. The aforesaid documents are taken on record.

Perused the documents.

It is found from the office report dated 13th December, 2019 that in terms of the order dated 19th July, 2018, the appellant-insurance company has deposited an amount of Rs.3,97,481/- vide O.D. challan no. 1154 dated 02.08.2018. Further it has also made deposit of statutory amount of Rs.25,000/- vide O.D. challan no. 415 dated 13.05.2016.

It appears that the learned Tribunal by its order no. 10 dated 15th September, 2017 passed in Misc. Execution Case No. 1 of 2016 directed the Manager, Axis Bank Ltd., Bhagat Singh More, Asansol Branch to issue two account payee cheques of Rs. 1,75,493/- each in the names of Safu Ansary and Chepu Bibi (claimants) from the account of National Insurance Company Limited-judgement debtor under account no. 910020008312561.

In the above premises, the amount deposited by the insurance company of Rs.3,97,481/- and statutory amount of Rs.25,000/- together with accrued interest be refunded to the insurance company.

In view of the submissions made on behalf of the appellant-insurance company, the appeal stands dismissed as withdrawn.

All the connected applications, if any, stand disposed of.

Interim order, if any, stands vacated.

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

(Bivas Pattanayak, J.)