

22.05.2023
Ct. 654
Sl.nos. 3
sn

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

FMA 108 of 2023

With

CAN 2 of 2024

Bisma Turi & Ors.

-Vs-

The New India Assurance Co.Ltd. & Anr.

Mr. Amit Ranjan Roy

..for the appellants

This matter is appearing under the heading “*To Be Mentioned*”.

In Re: CAN 2 of 2024

This is an application for modification of order dated 10th January, 2023.

The appeal was disposed of on 10th January, 2023.

Mr. Amit Ranjan Roy, learned advocate for the appellants submits that after disposal of the appeal, the appellant no.5, Santosh Turi died as a bachelor on 22nd June, 2023. On such premise, he seeks for modification of the order dated 10th January, 2023 to the extent that the share of the deceased appellant/claimant no.5 be apportioned in favour of the rest of the appellants equally. He informs the Court that he has also given

intimation to the learned advocate for the respondent-insurance company.

It is found from the death certificate annexed to the application that Santosh Turi, the appellant no.5, has expired on 22nd June, 2023, after disposal of the appeal on 10th January, 2023. The appeal was disposed of with a direction to release the compensation amount in favour of the claimants in equal proportion after making payment of spousal consortium in favour of the widow of the deceased, namely, appellant no.1.

In the aforesaid backdrop, share of the deceased appellant no.5, Santosh Turi, be apportioned equally amongst the remaining claimants, namely, the appellant nos. 1 to 4 and 6.

The name of the appellant no.5, Santosh Tori, stands expunged.

The order dated 10th January, 2023 is modified to the above extent.

Other portions of the order dated 10th January, 2023 shall remain unaltered.

The application being **CAN 2 of 2024** stands disposed of.

(**Bivas Pattanayak, J.**)