

25 & 26
30.08.2024
Ct. No.22
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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

IA No.CAN 4 of 2023
in
FMA 439 of 2023
(FMAT 1490 of 2013)

The New India Assurance Company Limited
Vs.
Malati Marik & Ors.

with

COT 75 of 2014

Malati Marik & Ors.
Vs.
The New India Assurance Company Limited & Anr.

Mr. Krishanu Banik
... For the respondents/claimants/
Applicants in CAN 4 of 2023

In re: CAN 4 of 2023

1. Learned counsel appearing on behalf of the applicants is present.

2. It is submitted that the respondent no.3 died on 28th December, 2011 which was not within the knowledge of the learned counsel at the time of filing of the claim application. It is further submitted that the respondent nos.4, 5 and 6 were minors at the time of filing of the claim application but in course of time, they attained the age of majority. It is also submitted that in the address of the respondents/claimants, necessary correction be made in the name of Post Office as "Jala Biswanathpur" instead of Jola Biswanathpur. In support of the death of the

respondent no.3, learned counsel appearing on behalf of the applicants/respondents has filed one death certificate.

3. It is further submitted that the appellant/New India Assurance Company Limited has already deposited all amounts assessed by this Court with the office of the learned Registrar General.

4. Given facts and circumstances, Department is directed to incorporate the necessary corrections in respect of the address of the Post Office as “**Jala Biswanathpur**” instead of Jola Biswanathpur.

5. Death of the respondent no.3 be recorded and his name be expunged from the cause title of the Memorandum of Appeal. Department is also directed to do the needful.

6. Department is further directed to record the attainment of majority qua respondent nos.4, 5 and 6.

7. Accordingly, learned Registrar General is requested to disburse the entire amount among the five claimants as recorded in the judgment dated 16th May, 2023.

8. Accordingly, CAN 4 of 2023 stands disposed of.

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

(Bibhas Ranjan De, J.)