

17.09. 2024
SL No.14

Court No.24
sg

**FMA 377 of 2023
in
CAN 3 of 2024**

**National Insurance Company Ltd.
Vs.
Nabanita Jana & ors.**

Mr. Pingal Bhattacharyya,
Mr. Rajdeep Sinha,

...for the claimants.

Re.: CAN 3 of 2024

This is an application for appropriate order.

Mr. Pingal Bhattacharyya, learned Counsel appearing on behalf of the respondent/claimants submits that during the pendency of the instant appeal the respondent/claimants no.4 has expired on 05.05.2021. The respondent no.(s) 1,2 and 3 are the legal heirs of the deceased respondent no.4. So, it is required to amend in the cause title of the memo of appeal.

Mr. Bhattacharyya, further submits that necessary order of disbursement the amount in the name of respondent no.(s) 1, 2 and 3 be made.

Heard the learned Counsel, peruse the body of the application being CAN 3 of 2024, it appears that respondent no.4 was one of the claimants who happened to be the mother of the deceased of this particular claim case. Respondent no.1 is the widow

of the deceased and respondent no.(s) 2 and 3 are the children of the deceased. No legal heirs are their of respondent no.4 except respondent no.(s) 1,2 and 3.

As respondent no. 4 has expired during the pendency of the appeal, so the name of the respondent no.4 be expunged from the memo of the cause title of the appeal.

Office is directed to struck down /expunged name of the respondent no.4 from the memo of the cause title of the appeal within a week from the date of passing of this order.

It further reported that the cheque has already been issued in respect of the deceased respondent no.4. Accordingly, the Office of the learned Registrar General, Calcutta is directed to disburse the amount standing in the name of the respondent no.4 by virtue of equal three account payee cheques in the name of respondent no.(s) 1,2 and 3 respectively, within a fortnight from the date of passing of the order.

Thus, application being CAN 3 of 2024 is disposed of .

Let the record be sent down directly to the Ledger Section.

(Subhendu Samanta, J.)