

19.02.2024
SL No.17 & 18
Court No. 551
Ali

**IN THE HIGH COURT AT CALUTTA
Civil Appellate Jurisdiction**

**RVW 305 of 2023
With
IA No. CAN/1/2024**

**Asira Bewa
Versus
The New India Assurance Co. Ltd. & Anr.
In**

**FMA 2478 of 2005
With
IA No. CAN/2/2024**

**Asira Bewa
Versus
The New India Assurance Co. Ltd. & Anr.
In**

**FMA 544 of 2006
With
IA No. CAN/3/2024 & CAN/4/2024**

**Sabeda Bewa & Ors.
Versus
The New India Assurance Co. Ltd.
With**

**RVW 306 of 2023
With
IA No. CAN/1/2024**

**Sabeda Bewa & Ors.
Versus
The New India Assurance Co. Ltd. & Anr.**

Mr. Jayanta Banerjee,
Ms. R.B. Roy,
Mr. Sandip Bandopadhyay,
Mr. A. Bhattacharjee
...for the appellant.

Mr. P.K. Pahari
...for the respondent in RVW 305 of 2023.

Mr. Rajesh Singh
...for the respondent in RVW 306 of 2023.

The delay in preferring the instant review
application is considered and allowed.

Delay be condoned.

In Re.:CAN 2 of 2024

CAN 2 of 2024 is preferred for appropriate order regarding the correction of name of the appellant. It appears from the Aadhar Card of the appellant that her name was mentioned as “Ashira Bewa Sk”.

Considering the submissions of the learned advocate for the petitioner, the appellant petitioner is given a leave to correct the cause title of the memo of the appeal in respect of the name of the appellant.

In Re.: RVW 305 of 2023

The instant review application is filed to review the order passed by this Court dated 28.06.2023.

Heard the learned advocate for the appellant as well as the learned advocate appearing on behalf of the Insurance Companies. The learned advocate for the appellant submits that the claimants are entitled to get the interest on the awarded sum. Learned advocate for the respondents raised no objection.

It appears that by virtue of the provision under Section 171 of the M.V. Act, the claimants are entitled to get the simple interest on the awarded sum. The said portion of the allowing interest was not mentioned in the body of the order dated 28.06.2023. The prayer of the petitioner is well

covered under the scope of provisions of Order 47 of the CPC.

Accordingly, the instant review being RVW 305 of 2023 is considered and allowed.

The claimants are entitled to get the interest @ 6% per annum on and upon the awarded sum from the date of filing of the claim applications. The Insurance Companies are directed to deposit the interest portion on and upon the awarded sum through the office of the learned Registrar General, High Court, Calcutta from the date of filing of the claim applications till the date they have already deposited the amount to the office of the learned Registrar General, High Court, Calcutta within six weeks from this date.

Accordingly, the review application is disposed of.

In Re.:CAN 3 of 2024 & CAN 4 of 2024

The instant applications are filed for necessary order for recording the attainment of majority of claimant/appellant Nos. 2 and 3 and for correction of names of the appellants.

Heard the learned advocates perused the grounds also perused the documents annexed with the applications being CAN 3 of 2024 and CAN 4 of 2024.

Considering the same, the CAN 3 of 2024 and CAN 4 of 2024 are disposed of with a direction

to the office to record the attainment of majority in respect of the claimant appellant Nos. 2 and 3 and to also correct the name of the appellants in the cause title of the Memo, according to the body of the CAN applications being CAN 3 of 2024 and CAN 4 of 2024 within a fortnight.

(Subhendu Samanta, J.)