

ASR 17.
Ct. no. 24.
31.1.2025

FMA 963 of 2007

**With
CAN 3 of 2025**

**Gangadhar Mal @ Jagadish Mal
Vs.
The New India Assurance Co. Ltd.**

**Mr. Krishanu Banik
Mr. Tathagata Banik**

....For the petitioner

Re: CAN 3 of 2025

This an Application (CAN 3 of 2025) for appropriate order by injured.

One Pravat Kumar Mal suffered a road traffic accident resulting physical disability up to 92 percent. His father namely Gangadhar Mal, on behalf of the injured filed an application under Section 166 of the M.V. Act for getting compensation before the Learned Tribunal.

The learned Tribunal awarded a sum, which was challenged by the claimant before this court. This court by virtue of an order dated 20th September, 2023 in FMA 963 of 2007 disposed of the appeal and thereby enhanced the award of compensation to the tune of Rs. 9,94,800/- (rupees nine lakhs ninety four thousand eight hundred).

The New Indian Assurance company was directed to pay the compensation together with six percent

interest per annum to the appellant through the office of the learned Registrar General, High Court, Calcutta.

In terms of such direction insurance company has deposited the award. It is the case of the injured applicant that the learned Registrar General after receiving the enhanced award from Insurance company has prepared payment drafts in the name of the appellant i.e. father of the injured.

Now the injured by filing the application being CAN 3 of 2025 submits before this court that his father became (Pravat Kumar Mal) missing since 13.06.2016. Since then, he approached before the different authority but whereabouts of his father/applicant is unknown known. Consequently, the injured himself appear before this court seeking necessary direction from this court so that, the learned Registrar General may be directed to disburse the amount in the name of the injured himself.

Heard the learned counsel.

Perused the document and annexure connected with the application being CAN 3 of 2025. I have seen the copy of missing diary with Keshpur P.S. paper publication certificate of Gram Pradhan etc, annexed with the applications. It appears that the appellant of the FMA i.e. Gangadhar Mal is the father of the injured, who file the claim case before the learned Tribunal on behalf of the injured. The amount of compensation is

actually paid to the victim of the accident i.e. the injured as the injured; was 92 percent physical disable, the Tribunal as well as this appellate court has allowed to continue the claim case/appeal through his father, Gangadhar Mal, who is now missing. At this juncture it appears to me that as the injured person has personally appeared before this court, thus necessary direction is required to be passed.

Under the above observation, CAN 3 of 2025 is disposed of with a direction to the Learned Registrar General, High court Calcutta to disburse the amount of enhanced compensation amount of Rs. 9,94,800/_ (rupees nine lakhs ninety four thousand eight hundred) with 6 percent interest per annum, as deposited by the New India Assurance Company limited, in the name of the injured, namely Pravat Kumar Mal.

(Subhendu Samanta,J)

[Subhendu Samanta, J]