

13.03.2025
Ct. No. 655
Sl No. 29
tbsr

FMA 795 of 2017

CAN 1 of 2017 (Old No. CAN 1813 of 2017)

Magma HDI General Insurance Co. Ltd.

Vs.

Shanti Gopal Das & Anr.

Ms. Gopa Das Mukherjee

.....for the appellant/Insurance Co.

1. Learned advocate appearing on behalf of the appellant/Insurance Company is present.

2. Despite service effected upon the respondents/claimants, they did not venture to appear in this case.

3. The instant appeal is preferred by the appellant challenging the impugned judgment and award passed by the Tribunal in which the Tribunal awarded compensation amount to the tune of Rs. 1,20,200/- in favour of the appellants/claimants. Being aggrieved and dissatisfied with the said impugned judgment and award the instant appeal is preferred at the behest of the appellant.

4. Learned advocate for the appellant says that the statutory amount of Rs. 25,000/- was deposited before this Court vide O/D Challan No. 2933 dated 27.01.2017. It is further said that an application for execution was

taken out by the appellant/claimant being MAC Execution Case No. 2 of 2017 and in the said execution case an order of attachment is passed by the executing Court. Anyway the appellant does not intend to proceed further with the present appeal. It is prayed that this appeal may be dismissed and the statutory amount as deposited by the Insurance Company may be refunded to the appellant.

5. It appears that the claim application was filed by the appellant/claimant over the death of the victim and the said claim case was disposed of by the Tribunal awarding compensation to the appellant/claimant. This appeal has preferred by the appellant/Insurance Company challenging the said order. Despite notice effected upon the respondents/claimant, they did not appear in this case.

6. Now this appellant does not intend to proceed further with this case. I find that there is no impediment in allowing such prayer of this appellant.

7. Accordingly, the instant appeal and the connected application being CAN 1 of 2017 (Old No. CAN 1813 of 2017) be and same and are hereby dismissed for non prosecution .

8. Statutory amount to the tune of Rs. 25,000/- as deposited by the appellant dated 27th January, 2017

along with the accrued interest thereupon be refunded to the appellant.

9. Learned Registrar General of this Court is hereby directed to refund the said amount to the appellant within one month from this date.

10. Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Prasenjit Biswas, J.)