

15.05.2025
Ct. No.33
Sl. No.75
cm

FMA 1387 of 2024
CAN 3 of 2025
National Insurance Co. Ltd.
Vs.
Mehrun Nisha & Ors.

Mr. Sanjay Paul
Ms. Jaita Ghosh
... for the appellant/Insurance Company

Mr. Saidur Rahaman
... for the respondents/claimants

In Re: CAN 3 of 2025

The learned advocate representing the respondents/claimants submitted to have filed an application being CAN 3 of 2025 which *inter alia* stated that the respondent No.2 had expired on 3rd November, 2021 supported by a copy of the death certificate marked as annexure A.

The Department is directed to expunge the name of the respondent No.2 from the cause title of the memo of appeal.

The application being CAN 3 of 2025 is disposed of.

The learned advocates representing both the parties submitted that the instant appeal has become infructuous since the objecting of filing of the instant appeal was to challenge the notification dated 22nd May, 2018 in view of the judgment of the Hon'ble High Court in Urmila Halder v. The New India Assurance Company Ltd.

and the same being affirmed by the Supreme Court on 08.02.2024.

Accordingly, the instant appeal is dismissed as infructuous.

The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs.6,75,684/- (Rs. 25,000/- + Rs. 6,50,684)through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company.

The learned advocate representing the respondent No.1/claimant is at liberty to withdraw the entire deposited amount before the office of the learned Registrar General, High Court at Calcutta along with accrued interest as per the direction of the learned Tribunal in favour of the serving respondents/claimants in entirety. It was further submitted that the respondent No.2 had been served by his son who were not dependent on the respondent No.2 and the respondent No.1 being his mother of the victim who is a bachelor.

Copy of the order be sent to the Department as well as office of the learned Registrar General, High Court for compliance.

(Ananya Bandyopadhyay, J.)