

N.22Sl

151/CL
26.02.25
Sl-11
Ct.33
(S.R.)

FMA 924 of 2024
With
CAN 1 of 2024
And
CAN 2 of 2024

The Oriental Insurance Co. Ltd
v.
Ashima Mondal & Ors.

Mr. Sanjay Paul
Ms. Jaita Ghosh
... for the appellant/insurance company.

The learned advocate representing the appellant/insurance company pointed out the error apparent on the 1st page of the judgment dated 4th May, 2017 in MAC Case No.70 of 2013 (MACC No.796 of 2013) and also the page 4 of the said judgment wherein the name of Smt. Ashima Mondal appeared as one of the claimants and the compensation being awarded to one Swarnalata Ghosh.

The learned advocate representing the appellant/insurance company submitted Swarnalata Ghosh had never been one of the respondents/claimants in the application filed under Section 163A of the Motor Vehicles Act before the learned tribunal, as aforesaid. The learned tribunal is to rectify the error in the judgment dated 4th May, 2017 considering the claim application and modify the judgment to that extent.

The department is directed to transmit the case

record of the instant MAC Case No.70 of 2013 (MACC No.796 of 2013) to the court of the learned tribunal being the Motor Accident Claim Tribunal, Additional Sessions Judge, Fast Track Court No.5, Barasat, North 24-Parganas.

Accordingly, the instant appeal is disposed of.

The statutory amount of Rs.25,000/- along with accrued interest be returned to the learned advocate representing the appellant/insurance company by the office of the Registrar General, High Court at Calcutta through a cheque to be transmitted to the office of the appellant/insurance company for its record.

(Ananya Bandyopadhyay, J.)