

Item No. 53

Ct 09

rup

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 339 of 2025
With
IA NO: CAN 2 of 2025

National Insurance Co. Ltd.
Vs
Kartik Samanta & Anr.

Mr. Sanjay Paul. ... for the appellant.

Mr. Amit Ranjan Ray.
... for the respondent No.1/claimant .

In Re: CAN 2 of 2025

Learned advocates for the parties are present.

The instant application filed by the claimant/respondent No.1 in FMA 339 of 2025 who has also filed cross-objection being COT 133 of 2025 is taken up for consideration. The applicant/claimant has prayed for withdrawal of the awarded sum. It is submitted by the learned advocate for the applicant/claimant that under exigency it is prayed that the awarded sum be released.

Learned advocate appearing for the appellant/ National Insurance Co. Ltd. objects such prayer.

Upon considering the judgment and award passed by the Learned Trial Court and the quantum of compensation awarded and the ground of challenge before this Court which is only with regard to the

quantum not with regard to the accident and considering the medical expenses incurred by the claimant this Court is of the view that as this appeal may not heard within short period of time and the claim case was instituted in year 2021, in the interest of justice it would be reasonable to permit the claimant/respondent no.1/Kartik Samanta to withdraw part of the awarded sum which is deposited before this Court. Thus, I allow the claimant/respondent no.1/Kartik Samanta to withdraw Rs.5,00,000/- from the sum which is deposited before this Court.

The respondent no.1/claimant is permitted to withdraw this amount upon compliance of necessary formalities. However, it is made clear that this order without prejudice to the rights of the parties in the appeal.

Accordingly, the application being CAN 2 of 2025 stands disposed of.

Liberty to mention.

(Biswaroop Chowdhury, J.)