

(2023) 06 SIK CK 0037

In the Sikkim High Court

Case No : Motor Accident Claim Appeal No. 01 Of 2023 & Motor Accident Claim Appeal No. 02 Of 2023

Branch Manager, National Insurance Co. Ltd.

APPELLANT

Vs

Prayag Prasad And Others

RESPONDENT

Date of Decision : 19-06-2023

Acts Referred:

Citation : (2023) 06 SIK CK 0037

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : Thupden G. Bhutia, Vidya Lama, Nima Tshering Sherpa, Romit Gurung, Sishir Mothay

Final Decision : Disposed Of

Judgement

Meenakshi Madan Rai, J

1. Heard Learned Counsel for the parties.
2. I.A. No.01 of 2023 is an application filed by the Appellant, seeking withdrawal of MAC Appeal No.01 of 2023. It is submitted but Learned Counsel for the Appellant that the Appellant does not seek to pursue the matter. Further, the Appellant undertakes to pay the compensation amount, as awarded in the impugned Judgment, dated 28-07-2022, by the Learned Motor Accident Claims Tribunal, East Sikkim, at Gangtok, in MACT Case No.07 of 2020, in Prayag Prasad and Another vs. Raj Kumar Prasad and Others. That, the compensation to the Respondents No.1 and 2, shall be paid within a period of one month from today.
3. The prayer for withdrawal and payment of compensation within a period of one month is not opposed by Learned Counsel for the Respondents No.1 and 2, and Respondents No.3 and 4.
4. The Appellant shall as undertaken pay the compensation to the Respondents No.1 and 2, within a period of one month from today, with interest @ 9% per

annum, failing which the interest rate shall be raised to 12% per annum, from the date of filing of the Claim Petition i.e., 13-02-2020, till full realization, duly deducting the amounts, if any, already paid by the Appellant to the Respondents No.1 and 2.

5. I.A. No.01 of 2023 also stands disposed of accordingly, as also the Appeal.

6. Copy of this Order be transmitted to the Learned Claims Tribunal along with its records.