

THE HIGH COURT OF SIKKIM : GANGTOK

(Civil Appellate Jurisdiction)

DATED : 19th June, 2023

SINGLE BENCH : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE

MAC App. No.01 of 2023

Appellant : The Branch Manager, National Insurance Co. Ltd.

versus

Respondents : Prayag Prasad and Others

Application under Section 173 of the Motor Vehicles Act, 1988

Appearance

Mr. Thupden G. Bhutia, Advocate for the Appellant.

Ms. Vidya Lama and Mr. Nima Tshering Sherpa, Advocates for the Respondents No.1 and 2.

Mr. Romit Gurung, Advocate for the Respondents No.3.

Mr. Sishir Mothay, Advocate for the Respondent No.4.

O R D E R (O R A L)

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.

(Meenakshi Madan Rai)

Judge
19-06-2023

Approved for reporting :**Yes**