

Party Name : SMT. SUMITRA SARKAR (BAISHYA) & ANR Vs THE STATE OF TRIPURA & 4
ORS

THE HONBLE MR. JUSTICE S.TALAPATRA THE HONBLE MR. JUSTICE S.TALAPATRA

Heard Mr. S. Dutta, learned counsel appearing for the petitioners as well as Mr. T.D. Majumder, learned Govt. Advocate appearing for the respondents No. 1 & 2, Ms. K. Debbarma, learned counsel appearing for the respondent No.3 and Mr. D. Bhattacharji, learned counsel appearing for the respondent No.5. By filing the reply, the respondent No.3, the Certificate Officer has stated that the full award as certified has been realized from the respondent No.5 in terms of the judgment and award dated 28.11.2007 passed in T.S.(MAC) No.298/2006. Mr. D. Bhattacharji, learned counsel appearing for the respondent No.5 has submitted that the respondent No.5 may be granted liberty to realize the amount that he had deposited in view of the judgment and award dated 28.11.2007 from the insurer, if the vehicle was duly insured at the relevant time of the accident. Neither in the record nor in the judgment and award in question, such fact is borne. Thus, no observation in this regard can be made by this court. However, it is certified that this order shall not stand in the way of the respondent No.5 for realizing the amount so deposited, if he is really entitled to go by way of any contract or insurance. Mr. T.D. Majumder, learned Govt. Advocate has submitted that since the certificate has been discharged by the Certificate Officer, this matter should be closed. Accordingly, this matter stands closed as infructuous. There shall be no order as to costs. It is made clear that the petitioners are entitled to receive the said amount deposited by the Certificate Officer in terms of the said judgment and order dated 28.11.2007.