

S/L.15.  
December 19,  
2014.  
bpg.

**F.M.A. No.3197 of 2013  
With  
C.A.N.9704 of 2014  
With  
COT 90 of 2013**

**Mr. Rajesh Singh.  
...for the appellant/opposite party.**

**Mr. Subir Banerjee,  
Mr. Jayanta Banerjee,  
Ms. Ruxmini Basu Roy.  
...for the respondent no.1/applicant.**

**Re: C.A.N.9704 of 2014.**

This is an application for withdrawal of the money deposited by the insurance company as a condition for stay in connection with this appeal.

From the office endorsement, it appears that Rs.9,56,000/- (Rupees nine lakh fifty six thousand) only has been deposited by the insurance company and it has been invested with the Central Bank of India, Red Cross Branch.

On perusal of the memorandum of appeal, it appears to us that the appeal is, in substance, against the quantum of compensation awarded to the victim.

We, therefore, feel that justice will be sub-served if the claimant is permitted to withdraw Rs.4,00,000/- (Rupees four lakh) only out of the deposit made by the insurance company.

The learned Registrar General is authorised to encash the fixed deposit receipt prematurely, if necessary, and to release Rs.4,00,000/- (Rupees four lakh) only to the claimant within two months from the date of making of an application for withdrawal. Rest of the amount shall, again, be invested in a short term interest bearing fixed deposit account with a nationalised bank of the choice of the learned Registrar General.

The claimant is directed to disclose the bank particulars to the learned Registrar General of this Court and the learned Registrar General shall arrange to remit Rs.4,00,000/- (Rupees four lakh) to such bank account of the claimant directly.

The application for withdrawal stands disposed of.

We make no order as to costs.

It appears from the office endorsement, notice upon the respondent no.2 was issued on September 19, 2014.

The office is directed to put up a report by two weeks after the reopening of this Court after the winter holidays for the year 2014 as to whether service of notice of appeal on the respondent no.2 is complete or not.

Let the hearing of the appeal be expedited.

Let the lower court's records of this case be called for immediately.

After arrival of the lower court's records, the office shall examine the lower court's records. If the lower court's records are found complete, the office shall issue notice of arrival of lower court's records on the learned advocate for the appellant.

The appellant is directed to prepare and file requisite number of one set of informal paper books for the appeal and the cross-objection, printed, typewritten or cyclostyled, as the case may be, out of court, within a period of two months from the date of service of notice of arrival of lower court's records on the learned advocate for the appellant.

Although all formalities regarding preparation of paper books are dispensed with, but the learned advocate for the appellant is directed to incorporate all the relevant documents in such informal paper books.

Mr. Banerjee is directed to hand over a copy of the cross-objection to the learned advocate for the appellant to incorporate the cross-objection in the paper books.

**(Subhro Kamal Mukherjee, J.)**

**(Subrata Talukdar, J.)**