

In the Court of District & Sessions Judge, Bankura

Present : Mir Rashid Ali (WB 00701)

MACC Case No. 41 of 2024

(CNR No.-WBBK01-001363-2024)

Order No. 16

Dated. 30.01.2026

The instant case is fixed today for hearing of the petition u/s 5 of the Limitation Act.

Hazira filed on behalf of petitioners and contesting opposite parties.

The application u/s 5 of the Limitation Act is taken up for consideration and passing order.

One Tarun Ghoshal and other filed an application u/s 166 of the Motor Vehicle Act with a prayer to direct the opposite party to pay compensation concerning the demise of Akash Ghoshal who died on road accident.

The application u/s 5 of the Limitation Act is also filed for condoning the delay.

It is submitted by the Ld. Lawyer on behalf of the petitioners that the accident took place on 25.12.2022 and due to suffering and mental shock on account of demise of the only son the petitioners Tarun Ghoshal and Anjali Ghoshal could not file the case within statutory time.

By filing petition they pray for condoning the delay in filing of the MACC case.

The contesting respondent i.e. the Legal Manager, IFFCO-TOKIO General Insurance Company Ltd. by filing written objection prays for rejection of the application for limitation and submits that there is delay of 741 days in filing of the case.

Hence, as contesting respondents they pray for rejection of the petition.

To substantiate the case Tarun Ghoshal faced the dock as PW-1 and deposed that there is a delay in filing the case.

It has also cropped up in the cross-examination that he is a 'Purohit' (priest) by profession and after losing his only son he went into mental shock and agony.

Be that as it may, the point to consider here whether the delay in filing the case is properly explained or not.

Perused the record.

Scrutinized the evidence.

Heard the Ld. Lawyers for the rival parties and scanned the decisions as relied by them.

Perused the decision passed by Hon'ble High Court, Himachal Pradesh at Shimla in CMP(M) No. 1658 of 2024 dated 18.07.2025.

Also scanned the order passed by the Ld. Hon'ble Court in C.O.

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No. 3564 of 2025 in case of Rahima Bibi & ors. vs. Magma HDI General Insurance Company Ltd. & Anr.

Considered.

I am of the view that it is quite natural for a parent to recover from the shock of death of his only son.

I am also of the view that the petitioner has convincing answer that the situation was beyond control for which he could not file the case within time.

Under such facts and circumstances, I am of the view that the petition for limitation be considered and allowed.

Hence, it is

ordered

that the application u/s 5 of the Limitation Act as filed by the petitioner is considered and allowed on contest but without any cost.

Office is directed to do the needful.

To **09.03.2026** for issue and DCF.

Dictated and Corrected by me

Sd/-

(Mir Rashid Ali)

District Judge, Bankura

Sd/-

(Mir Rashid Ali)

District Judge, Bankura