

**IN THE COURT OF
ADDITIONAL DISTRICT & SESSIONS JUDGE-1
DAKSHIN DINAJPUR AT BALURGHAT**

PRESENT : Mr.Ansuman Chattopadhyay
Addl.District & Sessions Judge-1
Dakshin Dinajpur at Balurghat
JO Code : WB00-820.

MISC.CASE NO. 05 OF 2021
Computer Regn.No. 05 of 2021
CNR :WBDD01-001580-2021

ORDER NO. 28
DT. 16/01/2026

- 1) Today is fixed for hearing of the instant Misc.Case.
- 2) Both the petitioner and the O.P(OP No.2/Insurance Company in the Original M.A.C.C proceeding) filed haziras through their respective Ld.Advocates.
- 3) On perusal of the case record , it is observed that the original case bearing M.A.C.Case No. 131/2018 was Dismissed on 06/04/2019 for non-prosecution on the part of the claimant/petitioner and present Misc. Case for restoration has been initiated after a long lapse of time on 31/08/2021.
- 4) I do not find any application for condonation of delay in the case record.
- 5) It is also observed that the written Examination in Chief of the P.W-1(Claimant,Swadip Kundu) on affidavit submitted on 18/11/2025 has also not been tendered on dock as per procedure.
- 6) In such circumstances, the claimant/petitioner is directed to appear before this court and adduce evidence in this Misc.Case in order to substantiate his case.
- 7) The petitioner/claimant is also granted liberty to file application, if any, under the proper provision of law, for condonation of the delay in filing present Misc.Case.
- 8) Fi 05/02/2026 for hearing of the Misc.Case and steps, if any, by the claimant/petitioner for condonation of delay.
- 9) Both parties to come ready.

Dict.& Corr by

A.D& S.J-1

Addl.District & Sessions Judge-1
Dakshin Dinajpur at Balurghat

