



2022:CHC-AS:40425

05-08-2022
Item no.21
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

CAN No.1 of 2021
in
FMA No.172 of 2022
Bajaj Allianz Insurance Company Limited
-vs-
Smt. Asha Singh & Ors.
with
COT No.10 of 2021
with
CAN No.1 of 2021

Mr. Avik Ghatak ...for the appellant

Ms. Susmita Saha Dutta
Mr. Niladri Saha ...for the claimants

CAN No.1 of 2021 for stay of operation of the impugned award of the learned tribunal is taken up for hearing.

Learned lawyer appearing for the appellant submits that the appellant has already made the statutory deposit of Rs.25,000/- as required under section 173 of the Motor Vehicles Act, 1988. She also submits that the appellant is ready to deposit the awarded amount of money with interest thereon less the statutory deposit within such time as would be directed by this court. In such context, learned lawyer seeks stay of operation of the impugned award till disposal of the appeal.

It appears that the appellant has made the statutory deposit of Rs.25,000/- vide challan dated January 22, 2020.

Therefore, let operation of the impugned judgement and award dated September 24, 2019 passed by the learned Judge, Motor Accident Claims Tribunal, Raiganj, Paschim Medinipur in MACC No.121 of 2014 be stayed for a period of three weeks from date.

The appellant is directed to deposit the awarded amount of money with interest thereon less the statutory deposit of Rs.25,000/- with the learned Registrar General of this court



within four weeks from date.

If the appellant deposits the aforesaid amount of money within the stipulated period, the interim order of stay shall continue till disposal of the appeal. In default of payment, the stay order will stand vacated automatically.

The learned Registrar General shall ensure that the amount of money to be deposited by the appellant is invested in a short-term auto-renewable fixed deposit account with any nationalised bank until further order.

In view of the above, the stay application – CAN No.1 of 2021 – stands disposed of.

Learned counsel for the respondents no.1-3/claimants submits that all the relevant papers are with her and the respondents have prepared a requisite number of paper books. On such score, she submits that calling for the LCR may be dispensed with for the time being. She prays for filing of one set of paper book in court. She says that one set of paper book has already been served on the appellant.

Learned counsel for the appellant does not dispute as to the preparation of the informal paper book.

In view of the submission, calling for the LCR is dispensed with for the time being. Let the paper book filed be taken on record.

Let the appeal and the cross-appeal along with the connected application appear for hearing on September 9, 2022.

[Rabindranath Samanta, J]

