

29-07-2022
Item no.13
Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

CAN No.1 of 2018
(Old CAN No.2350 of 2018)
and
CAN No.2 of 2018
(Old CAN No.2351 of 2018)
in
FMAT No.344 of 2018
The New India Assurance Co. Ltd.
-vs-
Smt. Sabitri Modak & Ors.

Mr. Sanjay Paul ...for the appellant

Mr. Victor Chatterjee
Mr. Barnamoy Basak ...for respondents-claimants

CAN No.1 of 2018 (Old CAN No.2350 of 2018) filed for seeking condonation of delay in preferring the appeal is taken up for hearing.

I have heard learned counsels for the parties.

Having heard learned counsels and on consideration of the s.5 Limitation Act application, I am satisfied with the explanation that the appellant was prevented by sufficient cause from filing the appeal within the statutory period.

Therefore, CAN No.1 of 2018 (Old CAN No.2350 of 2018) stands allowed condoning the delay in preferring the appeal.

Let the appeal be admitted and formally registered.

Call for the LCR.

The department is directed to take effective steps so that the LCR is received from the learned tribunal within three weeks from the date of communication of this order.

Once the LCR is received and found complete, notice of arrival of LCR shall be served on the learned counsel for the appellant.

Thereafter, the appellant shall prepare a requisite number of informal paper books containing all the relevant papers – printed, typewritten or cyclostyled out of court – and file the same in court within fifteen days thereafter serving one copy on the respondents.

CAN No.2 of 2018 (Old CAN No.2351 of 2018) for stay of operation of the impugned award dated July 31, 2017 passed by the learned Motor Accident Claims Tribunal in MACC No.306 of 2013 is taken up for hearing.

It appears from the office report that the appellant has deposited the entire awarded amount with interest thereon in compliance with an order dated June 14, 2018 passed by a Division Bench of this court.

In view of the above, the interim order of stay passed on June 14, 2018 be made absolute and the stay order shall continue till disposal of the appeal.

With the above, CAN No.2 of 2018 (Old CAN No.2351 of 2018) stands disposed of.

After the paper books are prepared and filed in court, liberty is given to either of the parties to mention the appeal for early hearing and disposal.

[Rabindranath Samanta, J]

