

07.08.2023

Ct.No.32

Sl. No.14

KB

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

F.M.A.T. 415 of 2019

Dipu Manna

Vs.

National Insurance Co. Ltd. & Anr.

Mr. Jayanta Kumar Mandal

... For the appellant/claimant.

Mr. Jayanta Kumar Mandal, Learned Advocate appearing on behalf of the appellant/claimant submits that the instant appeal has been filed within time.

However, Additional Stamp Reporter wrongly calculated the delay of 107 days.

Having heard the submission and on perusal of the certified copy of the judgement and award dated 1st October, 2018 passed by Learned Additional District Judge cum Motor Accident Claims Tribunal, Fast Track 2nd Court, Tamluk, District : Purba Medinipur in M.A.C. Case No. 161 of 2014 under Section 166 of the Motor Vehicles Act, 1988 it appears from the calculation that the instant appeal has been filed within period of limitation fixed under Section 173 of the Motor Vehicles Act, 1988.

Accordingly the appeal is formally admitted.

In Re: F.M.A.T 415 of 2019.

This appeal is preferred against the judgment and award dated 1st October, 2018 passed by the learned Additional District Judge cum Motor Accident Claims Tribunal, Fast Track, 2nd Court, Purba Medinipur in MAC Case No. 161 of 2014 under Section 166 of the Motor Vehicles Act, 1988.

Call for the lower court records.

Department is directed to take effective steps for bringing the lower court records from the learned Tribunal within two weeks from date.

Upon receipt of the lower court records, the Office shall examine the same and if found to be complete and in order, shall serve notice of arrival of the lower court records upon the learned advocate for appellants as well as respondents within a period of two weeks of such arrival.

Upon receipt of notice of arrival of lower court records, learned advocate for the appellant/claimant shall prepare and file requisite numbers of informal paper books

incorporating all relevant papers and documents including the pleadings and evidence, both oral and documentary, in printed or typewritten or cyclostyled form, as the case may be, out of court, within a period of four weeks from date of service of notice of arrival of lower court records.

The claimant/appellant is directed to deposit *talabana* costs together with written up notice form for causing service of notice of appeal upon the respondents.

Learned Advocate for the appellant/claimant prays for dispensation of service to the Respondent Nos. 2 and 3, the owners of the offending vehicle as they did not contested before the Tribunal and the judgement and award was passed *ex parte* against them.

Hence, the service of notice of appeal upon the Respondent Nos.2 and 3 stands dispensed with.

Liberty to mention.

(Ajay Kumar Gupta, J.)