

N.22S1
151/CL
08.08.24
SI-23
Ct.33
(S.R.)

FMAT (MV) 280 of 2024
with
CAN 1 of 2024
and
CAN 2 of 2024

Magma HDI General Insurance Co. Ltd.
v.
Anjan Ghosh & Anr.

Mr. Rajesh Singh
... for the appellant/insurance company.

In re: CAN 1 of 2024

Upon hearing the learned advocates appearing for the appellant and upon considering the materials on record, this Court is satisfied with the explanation given towards the delay in filing the present appeal.

Accordingly, the delay of 34 days in filing the instant appeal is condoned and the application being CAN 1 of 2024 is disposed of.

In re: CAN 2 of 2024

This is an application for stay of operation of the impugned judgment and award dated 22nd December, 2023 passed by the learned Judge, Motor Accident Claim Tribunal, Katwa, Purba Bardhaman in MAC Case No.103 of 2016 under Section 166 of the M.V. Act, 1988.

By such order dated 22nd December, 2023, the learned Tribunal granted compensation of Rs.14,46,376/- together with interest @ 6% per annum with effect from the date of filing of the instant proceeding till realization

of the entire claim in favour of the claimants.

Mr. Rajesh Singh, learned advocate for the appellant/insurance company submits that the appellant/insurance company has already deposited the statutory amount of Rs.25,000/- by OD Challan No.547 dated 20/05/2024 and is ready and willing to deposit the entire awarded amount before the Registrar General, High Court, Calcutta and prays for stay of operation of the impugned judgment and award.

Accordingly, there shall be stay of operation of the impugned judgment and award passed by the learned Tribunal till further orders. The appellant/insurance company is directed to deposit the entire awarded sum together with interest after deduction of statutory amount before the learned Registrar General, High Court, Calcutta within a period of six weeks from date.

The appellant/insurance company is directed to serve copy of this application upon the respondents and to file an affidavit of service to that effect on the returnable date.

Next date be fixed on 12th December, 2024 for hearing.

(Ananya Bandyopadhyay, J.)