

03-08-2022

Item no.19

Subrata

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction

CAN No.1 of 2022
with
CAN No.2 of 2022
in
FMAT(MV) No.299 of 2022
Shriram General Insurance Company Limited
-vs-
Sonali Kairi & Ors.

Mr. Rajesh Singh

...for the appellant

CAN No.2 of 2022 is an application filed for condonation of delay in preferring the appeal.

The appellant is directed to serve a copy of the section 5 Limitation Act application by speed post with AD upon the first respondent within ten days from date.

CAN No.1 of 2022 for stay of operation of the impugned award dated March 25, 2021 passed by learned Judge, Motor Accident Claims Tribunal, Islampur in MACC No.01 of 2018 is taken up for hearing.

Mr Singh, 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 vide challan dated September 7, 2021 (a copy of the challan furnished in court). He further submits that the appellant is ready to deposit the awarded amount of money with interest thereon less the statutory deposit within such period as would be directed by this court. In such context, Mr Singh seeks stay of operation of the impugned award for a limited period.

In view of an order dated November 16, 2017 passed by a Division Bench of this court in FMAT No.837 of 2017, operation of the impugned award may be stayed for a

limited period pending the application for condonation of delay.

In view of the above, let there be stay of the impugned award for a limited period of four weeks.

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 operation of the impugned award dated September 7, 2021 passed by the learned tribunal shall remain stayed till disposal of the applications on hand. 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.

The appellant is directed to serve a copy of the stay application by speed post with AD upon the first respondent within ten days from date and file affidavit of service showing compliance on the returnable date.

Let the matter appear for hearing of the section 5 Limitation Act application and the stay application on September 9, 2022.

[Rabindranath Samanta, J]

