

31.10.2022
SL No. 28
Ct No. 654
Sk

**F.M.A.T.(MV) 299 of 2022
IA No: CAN/1/2022
CAN 2 of 2022**

**Shriram General Insurance Co.Ltd.
Vs
Sonali Kairi(Prasad) & Ors.**

Mr. Rajesh Singh
....for the appellant

Mr. S.Banerjee
...for the respondents.

Re: CAN 2 of 2022.

This is an application for condonation of delay under Section 5 of the Limitation Act.

Mr. Rajesh Singh, learned advocate for the appellant-insurance company submits that there has been nominal delay of 32 days in preferring the appeal. He further submits that due to delay in obtaining the certified copy of the award and also preparing the ground of appeal there has been delay of 32 days only.

Mr. Subir Banerjee, learned advocate appears on behalf of the claimant/respondent.

It appears that the grounds shown is sufficient to condone the delay.

Accordingly, the delay of 32 days as noted by the Additional Stamp Reporter is condoned.

The application being CAN 2 of 2022 thus disposed of.

Let the lower court records be called for.

The appeal is formally admitted and registered.

Department is directed to take steps for calling for lower court records within a period of two weeks.

Upon arrival of the lower court records, the department shall issue notice of arrival upon the appellant's advocate within one week from the date of arrival of the lower court record.

The appellant is directed to prepare informal paper books in three sets in printed, type written or cyclostyled form incorporating all relevant papers, including pleadings, oral and documentary evidence. One set of such informal paper books be filed in court and another be served upon the learned advocate for the respondents.

Learned advocate for the appellant seeks liberty to serve copy of the notice of appeal upon the respondent no. 5(owner) by registered speed post with A/D. Accordingly, appellant –insurance company is directed to serve notice of appeal through registered speed post with A/D and file affidavit of service on the next date fixed.

Mr. Subir Banerjee, learned advocate for the respondents-claimants submits that the claimants

have also filed a cross-objection being COT 83 of 2022 which has to be heard along with the appeal.

Let COT 83 of 2022 be listed along with this appeal.

Liberty to mention.

Re: CAN 1 of 2022.

Mr. Rajesh Singh, learned advocate for the appellant submits that in terms of order dated 3.8.2022 the insurance company has already deposited Rs. 81,09,943/- before the learned Registrar General, High Court, Calcutta.

It appears from the report of S.R. Section that such amount has been deposited vide O.D.Challan No. 1647 dated 26.8.2022.

In view of the above, the stay granted vide order dated 3.8.2022 is made absolute till the disposal of the appeal.

The application being CAN 1 of 2022 is thus disposed of.

(Bivas Pattanayak, J.)