

N.22S1
151/CL
17.09.24
Sl-31
Ct.33
(S.R.)

FMAT (MV) 476 of 2024
with
CAN 1 of 2024
and
CAN 2 of 2024

Bajaj Allianz General Insurance Co. Ltd.
v.
Mangala Mudi & Anr.

Mr. Soumalya Ganguli
... for the appellant/insurance company.

In re: CAN 1 of 2024

The learned advocate for the appellant/insurance is present. None appeared for the respondents/claimants.

The application being CAN 1 of 2024 under Section 5 of the limitation Act has been taken up for hearing. From the record it reveals that there is a delay of 133 days.

Considering the averments made in paragraphs 4 and 5 of the CAN application being 1 of 2024 and in view of the beneficial legislative intent the delay of 133 days in filing the instant case is condoned.

The application being CAN 1 of 2024 is allowed.

The Department is directed to register the

appeal.

Call for the lower court records.

Re: CAN 2 of 2024

The learned advocate for the appellant/insurance company submits to have deposited the statutory amount of Rs. 25,000/- vide challan No. 1472 dated 29th August, 2024. Let the said challan be kept on record.

The learned advocate for the appellant has filed CAN s of 2024 with a prayer to deposit a sum of Rs.5,10,000/- along with interest to be calculated @ 6 % per annum before the office of the learned Registrar General, High Court at Calcutta with a deduction of Rs. 25,000/- which has been the statutory amount deposited at the time of institution of the instant appeal.

The appellant is granted two weeks time period after the vacation to deposit the aforesaid amount before the office of the learned Registrar General, High Court at Calcutta.

The Registrar General, High Court at Calcutta is directed to deposit the said amount in a Nationalized Bank in an auto renewable fixed

deposit for a temporary period till the disposal of the instant appeal.

Next date be fixed on 3rd December, 2024.

The interim stay of the impugned judgment and order dated 11th January, 2024 passed by the learned Judge, Motor Accident Claims Tribunal, Raghunathpur, Purulia in M.A.C. Case No. 04 of 2018 be stayed till further orders of the instant appeal.

The learned advocate for the appellant/insurance company is directed to serve copy of the memo appeal and notice upon the respondents/claimants and file affidavit of service on the next date of hearing.

Copy of the order be communicated to the office of the learned Registrar General, High Court at Calcutta for information and necessary action.

(Ananya Bandyopadhyay, J.)