



2026:CHC-AS:596

21.12.2023

Ct. no.654

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**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
(Appellate Side)**

**F.M.A.T. (MV) 671 of 2023
C.A.N. 1 of 2023**

National Insurance Co. Ltd.

Vs.

Munmun Dhak Barui & ors.

Ms. Sucharita Paul

...for the Appellant-Insurance Co.

Upon urgent mentioning by the learned advocate for appellant-Insurance company, this matter is taken up today.

Re : **F.M.A.T.(MV) 671 of 2023**

This appeal is preferred against the judgement and award dated 16th August, 2023 passed by the learned Additional District Judge-cum-Judge, Motor Accident Claims Tribunal, Fast Track, 2nd Court, Paschim Medinipur, in M.A.C. Case No.612 of 2021 under Section 166 of the Motor Vehicles Act, 1988.

As per report of the Stamp Reporter dated 6th December, 2023 the appeal is preferred within the statutory period of limitation.

Accordingly, the appeal is formally admitted and registered.

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 Officer 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 the appellant-Insurance Company within a period of two weeks of such arrival.

Upon receipt of notice of arrival of lower court records, learned Advocate for the appellant-Insurance Company shall prepare and file requisite number 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 the date of receipt of notice of arrival of lower court records.

Appellant-Insurance Company is directed to deposit *talabana* costs together with written up notice form for causing service of notice of appeal upon the respondents.

Re : **CAN 1 of 2023**

This is an application for stay of operation of the impugned judgment and award dated 16th August, 2023 passed by the learned Additional District Judge-cum-



Judge, Motor Accident Claims Tribunal, Fast Track, 2nd Court, Paschim Medinipur in M.A.C. Case No.612 of 2021 under Section 166 of the Motor Vehicles Act, 1988.

By such order dated 16th August, 2023, the learned Tribunal granted compensation in favour of the claimants to the tune of Rs.29,37,200/- together with interest under Section 166 of the Motor Vehicles Act.

Ms. Sucharita Paul, learned Advocate for the appellant-Insurance Company submits that the Insurance Company has already deposited the statutory amount and is ready and willing to deposit the entire awarded sum together with interest less statutory deposit before learned Registrar General, High Court, Calcutta within such time as would be directed by this Court. On such count, she prays for stay of operation of the impugned judgment and award.

The report of the Computer Section, Appellate Side, High Court, Calcutta dated 24th November, 2023 shows that no caveat has been lodged.

The office report dated 6th December, 2023 shows deposit of statutory amount of Rs.25,000/- in terms of Section 173 of the Motor Vehicles Act with the Registry of this Court vide OD Challan No.2275 dated 19.10.2023.

In view of readiness and willingness on the part of the appellant-Insurance Company to deposit the entire awarded sum together with interest less statutory amount,



there shall be stay of operation of the impugned judgment and award passed by the learned Tribunal for a period of five weeks. The appellant-Insurance Company is directed to deposit the entire awarded sum together with interest less statutory amount before the learned Registrar General, High Court, Calcutta within a period of five weeks from date.

In the event the appellant-Insurance Company makes deposit of the aforesaid amount, the order of stay shall continue till the disposal of this application. In default to make deposit of the aforesaid amount, the order of stay shall stand automatically vacated without reference to this Court.

Learned Registrar General of this Court shall ensure that the amount to be deposited by the appellant-Insurance Company be invested in a short-term auto renewable scheme of any nationalised bank, until further orders.

The appellant-Insurance Company is directed to serve copy of this application upon the respondents and file affidavit of service on the returnable date.

Let the matter appear on 31st January, 2024 under the heading '**Application**' before the appropriate Bench having determination.

(Bivas Pattanayak, J.)