



4.12. 2023
item No.7 & 8.
n.b.
ct. no. 551

FMAT(MV) 573 of 2022
with
IA CAN 1 of 2023
+
CAM 2 of 2023

Oriental Insurance Co. Ltd.
Vs.
Shrabani Sarkar & Ors.
With
COT 6 of 2023
Shrabani Sarkar & ors.
Vs.
Oriental Insurance Co. Ltd.

Mr. Sanjay Paul,
..... for the appellant.
Mr. Jayanta Kr. Mandal,
Mr. R.N. Basu
... for the respondent.

In Re. CAN 2 of 2023

This is an application for condonation of delay.

The instant appeal has been preferred against the judgment and award dated July 19, 2022 passed by the Learned Judge, 1st Court, M.A.C. Tribunal, Barasat, 24 Parganas(North) in MA.C. Cae no.805 of 2012.

The Insurance Company has preferred this instant appeal against the award. The report of the stamp reporter shows that there are 30 days delay in preferring the instant appeal.

Heard the learned advocate for the appellant as well as the respondents.

Considering ground mentioned in the application being CAN 2 of 2023, it appears that the grounds are



sufficient. Accordingly, the delay in preferring the instant appeal is hereby condoned.

Let the appeal be admitted.

Register the same.

Accordingly, CAN 2 of 2023 is disposed of.

Claimant/respondent no.1 to 4 has already made their appearance through the learned advocate Mr. Mondal. So, the notice of appeal upon the respondent nos.1 to 4 is dispensed with.

The Insurance Company is directed to serve notice of appeal upon the respondent no.5 by putting up Talabana Cost along with filled notices form within a week.

Mr. Mondal, learned advocate for the respondent submits that the respondent possessed all the certified copies of pleading and proof both oral and documentary of the LCR. Thus, he submits if directed he may prepare the paper book and submits the same before this Court for the speedy disposal of the instant appeal. Accordingly, the learned advocate for the respondent is directed to prepare three numbers of informal paper books and file the same before this Court as early as possible.

On the above score, call for the LCR from the office of the learned Tribunal is dispensed with for the time being.

In Re. CAN 1 of 2023



This is an application for stay of operation of the impugned award dated 19.7.2022.

Learned advocate for the appellant submits that the award may be executed before the learned Tribunal at any time. So, the necessary order of stay is required for the purpose of hearing of the instant appeal. He also submits that the Insurance Company is ready to deposit the entire awarded sum for the purpose of the interest of the appeal.

Heard the learned advocate and perused the application, it appears that the Insurance Company has already deposited the statutory amount of Rs.25,000/- vide OD Challan no.2826 dated 12.12.2022. The Insurance Company is also ready to deposit the entire awarded sum. Thus, there shall be interim order of stay of operation of the impugned award dated 19.7.2022 till January 5, 2024.

The Insurance Company is directed to deposit the entire awarded sum less statutory deposit with the officer of the learned Registrar, High Court, Calcutta within stipulated period. If such deposit is made, the interim order of stay passed by this Court shall be extended till the disposal of the instant application, failing which the order of stay passed by this Court shall be vacated automatically. On such deposit, the office of the learned Registrar General, High Court, Calcutta shall invest the amount according to the prelevant rules.



Let the mater appear in the list under the heading
“Application” on January 11, 2024.

All parties shall act on the server copy of this order
duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)