

08.1. 2024
item No.9
n.b.
ct. no. 551

FMAT(MV) 728 of 2023
with
IA No. CAN 1 of 2023

United India Insurance Co. Ltd.
Vs.
Smt. Susmita Bose @ Basu.

Mr. Rajesh Singh,
.....for the appellant.

The instant appeal has been preferred against the Judgment and award dated July 18, 2023 passed by the learned Judge, Motor Accident Claims Tribunal, Fast Track Court-V, Alipore, South 24 Parganas, in Motor Accident Claim Case No. 37 of 2019.

The report of the stamp reporter suggests that the instant appeal has preferred in time. Accordingly, the instant appeal is formally admitted.

Register the same.

Call for the LCR from the office of the learned Tribunal. After receiving such LCR, the department shall verify it. On verification, if it is found to be in order and complete, a notice of LCR shall be served upon the learned advocate on record of the appellant. On receiving such notice, the learned advocate for the appellant shall prepare requisite number of paper book including pleading and proof both oral and documentary of LCR out of court and filed the same within four weeks thereafter.

The appellant is also directed to serve notice of appeal to the respondent no. 2 and 4 by putting up Talabana cost along with filled up notices form with the department. On such deposit, the department shall ensure service of notice of appeal within fortnight.

In re. CAN 1 of 2023

This is an application for stay of operation of the impugned award dated 10.8.2023. The learned advocate for the appellant submits that at the time of filing of instant appeal, the insurance company has deposited the statutory deposit vide OD Challan no.3190 dated 2.12.2023 amounting to Rs.25,000/-. The insurance company is also ascertained that if the necessary direction be made, the Insurance Company shall deposit the entire awarded sum less the statutory deposit.

Considering the submission of the learned advocate for the Insurance Company and on considering the readiness and willingness on behalf of the Insurance Company there shall be an order of stay of the impugned order on 10.8.2023 till February 12, 2024.

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

Court, Calcutta shall invest the same according to the prelevant rules.

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

List the matter on February 19, 2024 under the heading “Application”.

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

(Subhendu Samanta, J.)