

21.01.2025
Ct. No.33
Sl. No.14
cm

FMAT(MV) 648 of 2024
CAN 1 of 2025
CAN 2 of 2025

The Manager I.C.I.C.I. Lombard General Insurance Co. Ltd.
Vs.
Guliya Basfore & Ors.

Mr. Sayak Majumder
... for the appellant/insurance company

In RE: CAN 1 of 2025

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

The application being CAN 1 of 2025 under Section 5 of the limitation Act has been taken up for hearing. From the record it reveals that there is a delay of 59 days.

Considering the averments made in Paragraph 5 to 11 of the CAN application being 1 of 202 and in view of the beneficial legislative intent the delay of 59 days in filing the instant case is condoned.

The application being CAN 1 of 2025 is allowed.

The Department is directed to register the appeal.

Call for the lower court records.

Re: CAN 2 of 2025

The learned advocate for the appellant/insurance company submits to have deposited the statutory amount of Rs. 25,000/- vide challan No. 2208 dated 27th November, 2024.

The learned advocate for the appellant has filed CAN 2 of 2025 with a prayer to deposit a sum of Rs.31,40,305/- 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 after vacation time period 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 17th April, 2025.

The interim stay of the impugned judgment and order dated 22nd May, 2024 passed by the learned Additional District & Sessions Judge, 3rd Court, Krishnagar, Nadia in M.A.C. Case No. 278 of

2019 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 of appeal and notice upon the respondents 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.)