

15.09.2025
Ct. No.33
Sl. No.4
cm

FMAT(MV) 663 of 2024
CAN 1 of 2024
CAN 2 of 2025

National Insurance Company Ltd.
Vs.
Smt. Bidurani Mondal & Ors.

Mr. Rajesh Singh
... for the appellant/insurance co.

In RE: CAN 2 of 2025

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

The application being CAN 2 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 263 days.

Considering the averments made in Paragraph 3 and 6 of the CAN application being 2 of 2025 and in view of the beneficial legislative intent the delay of 263 days in filing the instant case is condoned.

The application being CAN 2 of 2025 is allowed.

The Department is directed to register the appeal.

Call for the lower court records.

Re: CAN 1 of 2024

The learned advocate for the appellant/insurance company submits to have deposited the statutory amount of Rs. 25,000/- vide challan No. 2188 dated 25th November, 2024. Let the same be kept on record.

The learned advocate for the appellant has filed CAN 1 of 2024 with a prayer to deposit a sum of Rs.45,33,976/- along with interest at the rate of 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. Let the said challan be kept on record.

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 11th December, 2025.

The interim stay of the impugned judgment and order dated 5th August, 2024 passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, 4th Court, Asansol,

Paschim Bardhaman in M.A.C. Case No. 23 of 2016 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.)