

26.02.2026

Sl. No.: 44

Court No.9

BM

FMAT (MV) 595 of 2025

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IA NO: CAN 1 of 2026,

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IA NO: CAN 2 of 2026

THE NEW INDIA ASSURANCE CO. LTD.

VS

BRATIN SINHA AND ORS.

Mr. Rajdeep Bhattacharyya

... for the appellant/Insurance Company

Mr. Krishanu Banik

Mr. Tathagata Banik

... for the respondent nos.1 and 2

Re : IA NO: CAN 2 of 2026

Learned advocate for the appellant and the Learned Advocate for the respondent nos.1 and 2 are present.

The application for condonation of delay is taken up for consideration.

Heard Learned Advocates for the parties.

Perused the petition filed. Upon hearing the Learned Advocates and upon perusing the petition filed, this court is of the view that the appellant has furnished sufficient grounds for condoning the delay in filing the appeal. Thus, delay in filing this appeal is condoned and the appeal is admitted.

IA No: CAN 2 of 2026 stands disposed.

Re : IA No: CAN 1 of 2026

The application for stay being IA No: CAN 1 of 2026 is taken up for consideration.

As the appellant Insurance Company has deposited the statutory amount of Rs.25,000/-, there shall be an ad-interim order of stay of the impugned Judgement and Award dated 17.06.2025 passed by the learned Additional District & Session Judge, 2nd Court, Suri, Birbhum in M.A.C Case No.45 of 2013 for a period of five weeks.

The appellant Insurance Company shall deposit the entire awarded sum along with interest as directed by the learned trial court excluding the statutory amount of Rs.25,000/- within a period of five weeks. In the event, the awarded sum is deposited within a period of five weeks, the ad-interim order of stay shall continue till disposal of this application.

The Trial Court Records are dispensed with for the time being.

Informal Paper Book be filed within four weeks.

Learned Registrar General, High Court, Calcutta is requested to invest the awarded sum in a fixed deposit of a Nationalised Bank and renew the same from time to time.

Let copy of the Challan filed be kept with the record.

Liberty to mention after four weeks.

(Biswaroop Chowdhury, J.)