

**24.01.2025**  
Ct. No.33  
Sl. No. 56 & 57  
cm

**FMA 543 of 2012**

Bajaj Allianz General Insurance Co. Ltd.  
Vs.  
Kashi Nath Basak & Ors.  
With  
COT 20 of 2019  
CAN 1/2019(Old No. CAN 1707/2019)  
(Not Found)  
CAN 2/2019 (Old No. CAN 1708/2019)  
(Not Found)  
CAN 3 of 2024  
Kashi Nath Basak & Ors.  
Vs.  
Bajaj Allianz General Insurance Co. Ltd. & Anr.

Mr. Krishanu Banik  
Mr. Tathagata Banik  
... for the appellants/claimants  
In COT 20 of 2019

Mr. Rajesh Singh  
... for the respondent No.1/insurance company  
In COT 20 of 2019

**In RE: CAN 1 of 2019 (Old No. CAN 1707/2019)**

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

The application being CAN 1 of 2019 (Old No. CAN 1707/2019 under Section 5 of the limitation Act has been taken up for hearing. From the record it reveals that there is a delay of 2027 days.

Considering the averments made in Paragraph 5 to 8 of the CAN application being CAN 1 of 2019 (Old No. CAN 1707/2019 and in view of the beneficial legislative intent the delay of 2027 days in filing the instant case is condoned.

The application being CAN 1 of 2019 (Old No. CAN 1707/2019) is allowed.

The Department is directed to register the appeal.

Call for the lower court records.

**In Re: CAN 3 of 2024**

The learned advocate for the appellants/claimants has filed an application being CAN 3 of 2024 for expunging the name of appellant No.2 i.e. Puspa Basak.

The learned advocate representing the appellants/claimants stated that the appellant No.2 has expired on 30th September, 2023 supported by a copy of the death certificate, and prayed for necessary order so that the name of the appellant No.2 may be expunged from the cause title of the Memo of the appeal.

Considering the facts and circumstances, the prayer is allowed. The names of the respondents/applicants 1) Kashinath Basak ii. Smt. Ranu Dutta and Biswanath Basak are substituted in place and instead of appellant No.2 since deceased.

Department is directed to carry out the necessary amendment in the cause title of the Memorandum of Appeal.

Let the matter be fixed on 28th January, 2025.

Copy of the order be sent to the Department for immediate compliance.

**(Ananya Bandyopadhyay, J.)**