

Item 25.03.
No.63 2026

**IN THE CIRCUIT BENCH CALCUTTA HIGH COURT
AT JALPAIGURI
CIVIL APPELLATE JURISDICTION**

Ct
04

**FMAT(MV) 25 of 2026
With**

rup

**IA NO: CAN 1 of 2026
CAN 2 of 2026**

Cholamandalam MS General Insurance Company
Limited

Vs

Chaitali Sarkar & Ors.

Mr. Partha Bhowmik.

... For the appellant.

In Re: CAN 1 of 2026

Learned advocate for the appellant is present.

The application being CAN 1 of 2026 is taken up
for consideration.

The instant application for condonation of delay
under Section 5 of the Limitation Act is taken up for
consideration.

Upon perusing the petition and upon hearing the
learned advocate this Court is of the view that cause
shown is sufficient. Thus the delay is condoned. The
appeal is admitted.

Accordingly **CAN 1 of 2026** stands disposed of.

In Re: CAN 2 of 2026

The application being CAN 2 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 judgment and award dated **14th August, 2025** passed by the **Learned Additional District Judge, 2nd Court, Jalpaiguri** in M.A.C.C. Case No. **13 of 2021** for a period of five weeks from date.

The appellant/insurance company shall deposit the entire awarded sum along with interest as directed by the learned Trial Court excluding the statutory deposit within the period of five weeks. In the event, such deposit is made within a period of five weeks, the ad interim order of stay shall continue till disposal of the application being CAN 2 of 2026.

Learned Registrar Circuit Bench, Jalpaiguri is requested to invest the amount deposited in any nationalized bank with an interest bearing account and is also requested to renew the same from time to time.

The Trial Court Records be called for at the Special Messenger cost to be paid by the appellant and the paper books be filed within four week on arrival of the Trial Court Records.

Liberty to mention.

(Biswaroop Chowdhury, J.)

