



2026:CHC-JP:74

Item 17.12.2025
No. 66
& 67

Ct
04

RUP

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

FMA 54 of 2025

Smt. Bina Rani Mahanta & Ors..

Vs

National Insurance Company Ltd. & Ors.

Mr. Tamal Kumar Sen.
Ms. Priyanka Dey,
Mr. Milan Ch. Laskar.
Ms. Srijia Bhoumick.

... For the appellants.

Mr. Hirak Barman,
Mr. Chandan Roy.

... For the respondent.

with

**FMAT (MV) 52 of 2025
With
IA NO: CAN 1 of 2025**

National Insurance Company Ltd.

Vs.

Smt. Bina Rani Mahanta & Ors.

Mr. Hirak Barman,
Mr. Chandan Roy.

... For the appellant.

Mr. Tamal Kumar Sen.
Ms. Priyanka Dey,
Mr. Milan Ch. Laskar.

Ms. Srijia Bhoumick ... for the respondent

**IA NO: CAN 1 of 2025
In
FMAT (MV) 52 of 2025**

Learned advocates for the parties are present.

The application being CAN 1 of 2025 for



condonation of delay of 32 days is taken up for consideration.

Heard learned advocates. Perused the petition filed.

Upon perusing the petition and hearing the learned advocates, this Court is of the view that the grounds furnished in the petition with regard to the delay is sufficient. Thus, the delay is condoned.

The appeal is admitted.

Accordingly, **CAN 1 of 2025** stands disposed.

As the learned advocate has appeared on behalf of the respondent no.1, the service upon the respondent no.1 is dispensed with.

Notice be served upon other respondents.

Trial Court Records be called for at the Special Messenger Cost to be paid by the respondent no.1.

The informal paper book be filed upon arrival of the Trial Court Records.

It is submitted by the learned advocate that statutory amount of Rs. 25,000/- is already deposited and the copy of which is filed by the learned advocate. However, learned advocate submits that a formal application for stay could not be prepared and prays for liberty to submit the formal application for stay on the re-opening of this Court.

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 award dated 28.01.2025 passed by the Learned Additional District Judge, Fast Track 1st Court, Jalpaiguri in M.A.C. Case No.58 of 2018 for a period of five weeks from date.

The appellant/insurance company shall take steps to 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, and formal application for stay is filed one week after ensuing Christmas Vacation, 2025, the ad interim order of stay shall continue till disposal of the application.

Learned Registrar of this Court is requested to invest the amount deposited in any nationalized bank with an interest bearing account and is also requested to renew the same time to time.

The paper books filed be kept with the record.

Let the matter appear in the next available Circuit.

(Biswaroop Chowdhury J.)