



2026:CHC-JP:61

JPD-11
Ct No.01
02.08.2025
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

FMAT (MV) 31 of 2025
IA No: CAN 1 of 2025

Rajlakshi @ Rajluxmi Saha and others
Vs.
Iffco-Tokio General Insurance Company Ltd. and
another

Mr. Gobinda Saha,
Mr. Tamal Kr. Sen,
Ms. Priyanka Dey,
Mr. Milan Ch. Laskar

.... for the appellants

Mr. Pawan Gurung

....for the respondent no.1

1. Affidavit-of-service filed today be kept on record.
2. It transpires from the application for condonation of delay that the primary ground pleaded in the application is the extreme financial constraints of the family of the appellants, particularly on the demise of the only earning member of their family, for whose demise the compensation has been claimed.
3. Upon a thorough perusal of the pleadings of the application, I find sufficient reasons for the delay in preferring the same, inasmuch as the appellants hail from the marginalized sections of the society and were also hit by the Pandemic



situation for a considerable time during the period of delay.

4. The appellants also had to contact advocates for preferring the challenge and, being naïve people, were not well-equipped socially to handle their prospective litigation and, as such, the delay in preferring the appeal ought to be condoned.
5. In view of the above, CAN 1 of 2025 is allowed, thereby condoning the delay in preferring FMAT (MV) 31 of 2025.
6. There will be no order as to costs.
7. The appeal is admitted and shall be heard on the grounds taken in the memorandum of appeal.
8. In view of the appearance of the contesting respondent no.1 through its learned Advocate, service of notice on the respondent no.1 in respect of the appeal is dispensed with. Since the respondent no.2 did not contest in the court below, service of notice of the appeal on the respondent no.2 is dispensed with.
9. The appeal be treated to be ready as regards service.
10. The trial court records shall be brought by special messenger at cost of the appellants, to be deposited within a week from date.
11. The appellants shall prepare and file the requisite number of paper books within eight weeks from the date of service of notice of arrival of the trial



court records on the learned Advocate for the appellants.

12. Liberty to the parties to mention the appeal for enlistment as and when the same is ready for hearing.

(Sabyasachi Bhattacharyya, J.)