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

**FMAT (MV) 35 of 2025
IA NO: CAN 1 of 2025**

**Smt. Deoyanti Prasad & Ors.
Vs
Mr. Swapan Kumar Banerjee & Anr.**

Mr. Uday Sankar Sarkar.
Ms. Tamalika Sarkar.

... for the appellants.

In Re: CAN 1 of 2025

1. The instant application has been filed for condonation of delay of 413 days in filing of this appeal and the ground of delay is nothing but due to lack of advice although interest was not allowed in the award in violation of Section 171 fo the Motor Vehicle Act.
2. The ground mentioned in the application for condonation of delay is found satisfactory and the delay is condoned.
3. Accordingly **CAN 1 of 2025** stands disposed of.

FMAT (MV) 35 of 2025

4. This appeal has been filed assailing the judgment and award dated 18th November, 2023 in connection with Motor Accident Claim Case No. 88 of 2019 passed by the



Motor Accident Claim Tribunal-Cum-Additional District Judge, 4th Court, Jalpaiguri, whereby learned Tribunal awarded compensation to the tune of Rs.25,06,431/-.

5. Learned counsel on behalf of the appellants has submitted that Learned Tribunal did not consider the interest on the awarded compensation in violation of Section 171 of the Motor Vehicle Act.
6. Perused the judgment.
7. The appeal stands admitted.
8. Appellants are directed to serve notice upon the respondents along with copy of the Memo of Appeal through speed post with A/D and to file affidavit of service on the returnable date.
9. Department is directed to register the appeal, if the same is otherwise in form.
10. Let Tribunal records be called for.
11. After arrival of Tribunal records, the office shall examine the same and if found complete, the office shall serve notice of arrival of lower court records on the learned advocate for the appellants.
12. The appellants are directed to prepare and file requisite number of informal paper



books, out of Court, printed, cyclostyled or typewritten, within six weeks from the date of service of notice of arrival of lower court records, upon the learned advocates for the appellant.

13. The parties are at liberty to mention the matter for inclusion in the list after preparation paper books.

(Bibhas Ranjan De, J.)