

**24.9.2024**  
Sl. No.9  
Court no.III  
**nb**

CIRCUIT BENCH OF CALCUTTA HIGH COURT  
AT JALPAIGURI

**FMAT(MV) 34 of 2024**  
**With**  
**CAN 1 of 2024**

**Tripati Roy & Ors..**  
**Vs.**  
**National Insurance Co. Ltd. & Anr.**

Mr. Subir Banerjee,  
Mr. Abhijit Raha,,  
..... for the appellant.

**In Re. CAN 1 of 2024.**

Affidavit of service filed the appellant is taken on record.

The instant appeal has been preferred against the Judgment and award dated 6.7.2023 passed by Learned Tribunal, Fast Track Court, 1<sup>st</sup> Court, Court, Jalpaiguri in M.A.C. Case No. 255 of 2017.

This is an application under Section 5 of the Limitation Act for condonation of delay of 220 days in filing the instant appeal.

The report of the Additional Stamp Reporter suggests that there is 220 days delay in preferring the instant appeal.

Heard the learned advocate perused the grounds; having heard the learned advocate and on perusing the grounds in the body of the application

itself, it appears to me that the grounds are sufficient. Accordingly, the application being CAN 1 of 2024 under Section 5 of the Limitation Act is considered and allowed.

The appeal is formally admitted.

Register the same.

The appellant is directed to serve notices of appeal upon the respondents by putting up the filled up notices form with Talabana cost to the concerned department within a fortnight.

Call for TCR from the office of the learned tribunal within four weeks.

On reaching the TCR the department is to verify the same, on such verification if it is found to be complete and in order, a notice of such TCR shall serve upon the advocate on record for the appellant within a fortnight. On receiving such notice the learned advocate for the appellant shall prepare a requisite number of paper books at least three in number within four weeks thereafter, containing pleadings and proofs both oral and documentary of TCR out of Court.

Learned advocate for the appellant submits that the respondent no.2 is the owner of the offending vehicle who did not contest the matter before the learned Tribunal.

Considering the submission, the service of notice upon the respondent no.2 is disposed with for the time being.

Under the above observation CAN 1 of 2024 is disposed of.

Let the matter go out of list.

Parties are liberty to mention.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Subhendu Samanta, J.)**