Item No. 32 & 33

*Ct 04*

RUP

17.12.2025

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

**FMAT (MV) 76 of 2025**
**With**
**IA NO: CAN 1 of 2025**

Sri Sushil Kumar Layek & Ors.

Vs
Cholamandalam MS General Insurance Company Ltd.

Mr. Tamal Kumar Sen.
Ms. Priyanka Dey,
Mr. Milan Ch. Laskar.
Ms. Srija Bhoumick.
... For the appellants.
Mr. Partha Bhowmik
... For the respondent.

with

**FMAT (MV) 19 of 2025**
**With**
**IA NO: CAN 1 of 2025**
**CAN 2 of 2025**

Cholamandalam MS General Insurance Company Ltd.
Vs.
Sri Sushil Kumar Layek & Ors

Mr. Partha Bhowmik
... For the appellant.
Mr. Tamal Kumar Sen.
Ms. Priyanka Dey,
Mr. Milan Ch. Laskar.
Ms. Srija Bhoumick ... for the respondent

**IA NO: CAN 1 of 2025**
**In**
**FMAT (MV) 76 of 2025**

Learned advocates for the parties are present.

The application for condonation of delay 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/insurance company 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 appellant.

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

**IA NO: CAN 1 of 2025**
**In**
**FMAT (MV) 19 of 2025**

Learned advocate for the parties are present.

The application being CAN 1 of 2025 which is for condonation of delay 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 in filing this appeal is condoned.

The appeal is admitted.

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

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

**IA NO: CAN 2 of 2025**
**In**
**FMAT (MV) 19 of 2025**

The application being CAN 2 of 2025 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 award dated 06.03.2024 passed by the Learned Additional District Judge, 1st Court, Jalpaiguri in M.A.C. Case No. 166 of 2016 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, the ad interim order of stay shall continue till disposal of the application being **CAN 2 of 2025**.

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.

Liberty to mention.

***(Biswaroop Chowdhury J.)***