

27.01.2025

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ss

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

**FMA 49 of 2024**

**Bijuli Konwar & anr.**

**-VS-**

**National Insurance Co. Ltd. & anr.**

Mr. Tamal Kr. Sen

Ms. Priyanka Dey

Mr. Milan Ch. Laskar

... for the appellants-claimants

Mr. Hirak Barman

... for the respondent no.1-Insurance Co.

This appeal is preferred against the judgment and award dated 31<sup>st</sup> July, 2024 passed by the learned Judge, Motor Accident Claims Tribunal-cum-Additional District Judge, Fast Track 1<sup>st</sup> Court at Jalpaiguri in M.A.C. Case No.179 of 2015.

Mr. Tamal Kr. Sen, learned Advocate for the appellants-claimants submits that calling for trial court records be dispensed with since all the papers are with him. He undertakes to prepare informal paper books within two days.

Accordingly, learned Advocate for the appellants-claimants is directed to prepare and file requisite numbers of informal paper books incorporating all relevant papers and documents including the pleadings and evidence, both oral and documentary, in printed or

typewritten or cyclostyled as the case may be, out of Court, within a period of two days from date.

He also submits for dispensing of service of notice of appeal upon the respondent no.2, owner of the offending vehicle, since he did not contest the claim cas. It is found from the order of the learned Tribunal that the claim case has been disposed of *ex parte* against the respondent no.2, owner of the offending vehicle.

In the aforesaid backdrop, service of notice of appeal upon the respondent no.2, owner of the offending vehicle, is dispensed with.

Since the respondent no.1-Insurance Company is represented through learned Advocate, service of notice of appeal upon the respondent no.1-Insurance Company is also dispensed with.

List the matter on **29<sup>th</sup> January, 2025.**

**( Bivas Pattanayak, J.)**