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C.O. 1691 of 2022

**Pratima V Ashar & Anr.
Vs
The New India Assurance Co. & Anr.**

Mr. Skabu Abbasuddin
Ms. Nahid Rahman, ... For the petitioners.

Mr. Rajesh Singh, ... for the respondents.

The subject matter of challenge in this revisional application is against an order dated 2nd May, 2022 passed by the learned Judge MACC Tribunal, Bench 3, City Civil Court at Calcutta in MAC Case No. 564 of 2007 fixing date for evidence of OP-2 and cross-examination of PWs.

Mr. Rajesh Singh, learned advocate appearing for the Insurance Company in his all fairness submits that the amount of cost has already been deposited in connection with application under Order IX Rule 13 of the Code of Civil Procedure.

Mr. Skabu Abbasuddin, learned advocate appearing for the petitioners submits that by this time the claimants have already examined their witnesses, and now it is the time for the Insurance Company to adduce their evidence.

It is contended by the learned advocate for the petitioners that as there has been a time limit mentioned in the order impugned, within which the

MACC case has to be disposed of with a default clause mentioned therein, the Court below has made some departure to finish the trial within such stipulated period of time.

Mr. Singh in reply submits that claim case has been instituted with some manufactured documents, and the Insurance Company has strong case to repudiate the claim case already instituted.

Having considered the submission of both sides, it appears that learned advocate for the petitioners expresses his dissatisfaction with regard to the non-completion of the trial within the stipulated period of time, as noted in the order impugned.

Mr. Singh however, assures this Court that the Insurance Company will adduce evidence shortly and the time should not be considered critically, as there were compelling circumstances in justification thereof to conclude the trial within the stipulated period of time.

When claimants have already examined their witnesses in the pending claim cases, it is for the Insurance Company to adduce their evidence.

Upon perusal of the impugned order, it appears that the next date is fixed on 29.06. 2022 for cross-examination of opposite party no.2, and examination of PWs.

That being the position the revisional

application is thus disposed of directing opposite party/Insurance Company to produce the witnesses either on the date scheduled by the Court below, or if for any reasons whatsoever, the same could not be done, the same may be peremptorily examined within 10 days thereafter on day to day basis, so that logical conclusion of the claim case may be reached at an early date, bearing in mind the message already conveyed in CO 899 of 2022.

Petitioner is directed to make communication of this order to the learned Court below.

With this observation and direction, the revisional application stands disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Subhasis Dasgupta, J)