

26.08.2025
Item No.10
Ali
ct. no.24

RVW 53 of 2025
IA No.:CAN/1/2025 & CAN/2/2025

Sailendra Nath Marik
Vs.
M/s. Kedia Pipes & Ors.
In
FMA 1186 of 2022
Sailendra Nath Marik
Vs.
M/s. Kedia Pipes & Anr.

Mr. Soujanya Bandyopadhyay
..... for the appellant.

Mrs. Sucharita paul
.....for the respondent No. 2.

In Re.:**RVW 53 of 2025**

This is an application for appropriate order in connection with Review of judgment and order dated 27th February, 2024 passed by this Court in FMA 1186 of 2022.

Learned counsel appearing on behalf of the petitioner submits that this Court disposed of FMA 1186 of 2022 on 27.02.2024 thereby the impugned order passed by the learned tribunal was set aside and this Court remanded the matter before the learned tribunal to accept a policy which was filed before the appellate Court by virtue of an application under Order 41 Rule 27 CPC.

Learned counsel for the petitioner further submits that after passing of such order the

petitioner received a disability certificate issued by the concerned authority on 1st of April, 2024 which he intends to use as evidence in the said MAC case.

Learned counsel for the petitioner submits that learned tribunal did not accept the same disability certificate on the ground that it is remand for specific purpose of acceptance of additional evidence as enumerated in an application under Order 41 Rule 27 CPC (CAN 3 of 2019).

Learned counsel submits that necessary order be passed in the instant review application so that the disability certificate issued by the concerned authority on 1st of April, 2024 be accepted by the learned tribunal.

Heard the learned counsel for the petitioner as well as the Insurance Company; it appears that this Court while remanding the matter to the learned tribunal for the purpose of acceptance of policy has also observed in the last paragraph of inner page 2 of the impugned order as follows:

"The learned tribunal shall allow the claimant to adduce additional evidence both oral and documentary as they desire and shall also allow the Insurance Company to produce any witnesses according to their wish. After receiving such evidence, according to law, the learned tribunal shall decide the matter afresh on the attending facts and circumstances and evidences and pleadings on record".

From the order of remand as mentioned above, it is clear that learned tribunal was directed to allow the claimant to adduce additional evidence both oral and documentary as they desire-that means, the claimants are at liberty to file any evidences apart from the policy which was mentioned in application under Order 41 Rule 27 CPC.

Thus, it is clear from the order itself that this is an open remand thus; it is not required to pass any clarificatory order in the review application.

Under the above observations, the application for Review appears to be not meritless and the same is dismissed.

According the application being CAN 2 of 2025 is disposed of.

(Subhendu Samanta, J.)