

03.04.2025
SI No.22
Court No.8
(gc)

**FMAT (WC) 6 of 2025
CAN 1 of 2025
CAN 2 of 2025**

**The Oriental Insurance Company Ltd.
Vs.
Bapi Das & Ors.**

Mr. Ananda Gopal Mukherjee
...for the Appellant.

Re: CAN 1 of 2025

1. In spite of service, the respondent no.1 is not represented.
2. There is a delay of 58 days in filing the memorandum of appeal.
3. We are satisfied with the explanation offered for not being able to file the appeal within the period of limitation. The delay of 58 days is condoned.
4. Accordingly, the application for condonation of delay is allowed and disposed of.

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5. We have heard the learned Counsel for the appellant.
6. The appeal can be admitted provided there is a substantial question of law involved. In the instant case, we find from the evidence that the P.W-1 has produced the evidence of the

accident and the injury sustained by him and the exhibits including the police reports were marked as exhibits without any objection. It is not in dispute that the vehicle that had met with the accident was insured with the insurance company. It further reveals from the exhibit- P3 that opposite party no.1, namely, Smt. Rita Adhikary and Abhishek Adhikary, are the subsequent owners of the vehicle and at the time of accident they were the owners. The ownership of the vehicle was not under challenge. The opposite party no.1, in spite of service, had failed to appear and contest the proceeding. The applicant/claimant can only establish so much of the facts as are within his capacity. In the statement of claim, he has clearly averred that the opposite party no.1 are the owners of the vehicle. There is no denial to this fact. Consideration of the evidence both oral and documentary and an award was passed, we do not find any substantial question of law is involved in this appeal.

7. Accordingly, the appeal and the connected application are dismissed.
8. However, there shall be no order as to costs.

9. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)