

Sl.362
15.07.2025
Court No.6
BP

C.O. 1565 of 2025
With
CAN 1 of 2025

Bajaj Allianz General Insurance
Company Limited
-versus-
Namita Ghosh & Ors.

Ms. Sucharita Paul
... for the petitioner

Re: CAN 1 of 2025

This is an application for restoration of the civil revisional application by recalling the order dated 5th May, 2025.

After considering the averments made in the said application and after hearing the learned advocate for the petitioner, this Court is of the considered view that the petitioner was prevented by sufficient cause for not appearing when the civil revisional application stood dismissed for default.

Accordingly, CAN 1 of 2025 stands allowed.

The civil revisional application stands restored to its original file and number.

This civil revisional application is taken up for immediate consideration.

This application under Article 227 of the Constitution of India is at the instance of the Insurance Company and is directed against an order dated 30th January, 2025 passed by the learned Additional District Judge, 1st Court at Katwa, Purbo Bardhaman in Misc. Case No. 16 of 2024.

By the order impugned the learned judge rejected the prayer of the petitioner for extension of time fixed by the Hon'ble High Court at Calcutta in FMAT (MV) 130 of 2024. When the Hon'ble High Court at Calcutta fixed the time limit for filing an application, the Motor Accident Claims Tribunal was right in holding that it does not have jurisdiction to extend such time limit.

Thus this Court finds that there is no infirmity in the order impugned warranting interference under Article 227 of the Constitution of India.

At this stage the learned advocate appearing for the petitioner submits that the petitioner has already taken out an application for extension of time in FMAT (MV) 130 of 2024.

For the reasons as aforesaid, C.O. 1565 of 2025 stands disposed of without interfering with the order impugned and leaving the petitioner free to move the application filed in the aforesaid first miscellaneous appeal in accordance with law .

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)