

08.12.2025
Ct. No. 06
Sl. No.10
skg

C.O. No. 3526 of 2025

Nihar Baidya
Vs.
Mritunjoy Roy & Anr.

Mr. Soujanya Bandyopadhyay,

.....for the petitioner

Mr. Mritunjoy Roy,

....for the opposite party no.1.

Ms. Sayanti Santra,

...for the opposite party no.2

1. Affidavit of service filed in court is taken on record.
2. The petitioner shall be given one last chance to contest the proceeding which is pending before the learned Commissioner Employees Compensation, 1st Court in CC no. 481 of 2011.
3. The learned Commissioner rejected an application for restoration of the case for compensation on the ground that, the petitioner was found absent on repeated calls and did not take steps. The application for restoration contained contradictory statements and the explanation for the absence of the petitioner were not satisfactory.
4. It appears from the orders impugned that, the petitioner was not diligent in pursuing the remedy.

The petitioner relies on the decision of the Apex court in ***K. Trivikram v. Mohd. Abdul Kareem Khan & Anr.*** reported in **(2000) 9 SCC 394**, to substantiate that the laches on the part of the victim claiming such compensation should not be held against such victim and the court must treat such victim liberally. The victim should not be non-suited.

5. I am bound by the above proposition of law. I am also of the view that at least a chance should be given to the victim to place his case for compensation.
6. However, it appears that the application was filed in 2011 and since then the petitioner has not been diligent. The petitioner was issued a show cause to answer why the application should not be dismissed for not taking steps. No such show cause was filed.
7. Thus, the application is restored upon payment of cost of Rs.5,000/- to the opposite party/Insurance Company.
8. Subject to payment of Rs.5000/-, the proceeding shall be restored.
9. Accordingly, the revisional application is disposed of.
10. All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)