

01.09.2025

Sl. No.: 102-103
Court No.33
BM

FMAT 98 of 2019

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IA NO: CAN/1/2019(Old No: CAN/2879/2019),
+
IA No.:CAN/3/2025,
+
IA No.: CAN/4/2025,
+
IA No.: CAN/5/2025

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.

VS
CHANDI PADA MISHRA & ORS

With
COT/83/2023
CHANDI PADA MISHRA AND ANR

VS
ICICI LOMBARD GENERAL INSURANCE CO. LTD. AND ORS.

Ms. Gopa Das Mukherjee
... for the appellant

Mr. J. K. Mandal
Mr. A. B. Dash
Mr. S. Rakshit
Ms. A. Sarkar
.... for the respondents/claimants

In Re: CAN 3 of 2025

The learned advocate representing the appellant/insurance company has filed affidavit-of-service. Let the same be kept on record.

The learned advocates representing appellant/insurance company as well as respondents/claimants are present.

The learned advocate representing the appellant/insurance company submitted to have filed an application being CAN 3 of 2025 for

restoration of the instant appeal which was dismissed for non prosecution on 28th February, 2025 passed by this Court.

Considering the averments made in the instant CAN application to be explanatory.

Let the appeal be restored to its original file and number. The order dated 28th February, 2025 passed by this Court be recalled.

Accordingly, the application being CAN 3 of 2025 is disposed of.

In Re: CAN 5 of 2025

The learned advocate representing the appellant/insurance company submitted to have filed an application being CAN 5 of 2025 inadvertently the Bajaj Allianz General Insurance Company Limited had not been impleaded as a party respondent and seeks liberty from this Court to implead the same and the said prayer is allowed.

Department is directed to amend the cause title of the memo of the appeal.

Accordingly, the application being CAN 5 of 2025 is disposed of.

In RE: CAN 4 of 2025

The application being CAN 4 of 2025 under Section 5 of the limitation Act has been taken up for hearing. From the record it reveals that there is a delay of 908 days.

Considering the averments made in the aforesaid CAN application being 4 of 2025 and in view of the beneficial legislative intent the delay of 908 days in filing the instant case is condoned.

The application being CAN 4 of 2025 is allowed.

The Department is directed to register the appeal.

Call for the lower court records.

Re: **CAN 1 of 2019(Old No. CAN 2879/2019)**

The learned advocate for the appellant/insurance company submits to have deposited the statutory amount of Rs. 25,000/- vide challan No. 237(A) dated 16th May, 2025. Let the same be kept on record.

The learned advocate for the appellant has filed CAN 1 of 2019 (Old No. CAN 2879/2019) with a prayer to deposit a sum of Rs.14,47,176/- along with interest at the rate of 6% per annum before the office of the learned Registrar General, High Court at Calcutta with a deduction of Rs. 25,000/- which has been the statutory amount deposited at the time of institution of the instant appeal.

The appellant is granted four weeks time period to deposit the aforesaid amount before the office of the learned Registrar General, High Court at Calcutta.

The Registrar General, High Court at Calcutta is directed to deposit the said amount in a Nationalized Bank in an auto renewable fixed deposit for a temporary period till the disposal of the instant appeal.

Next date be fixed on 20th November, 2025.

The interim stay of the impugned judgment and order dated 30th November, 2018 passed by the Learned Additional District Judge –in-Charge, 3rd Court cum Motor Accident Claims Tribunal, Paschim Medinipur, in M.A.C. Case No. 17 of 2012 be stayed till further orders of the instant appeal.

The learned advocate representing the respondents/claimants intends to file informal paper book. Let the same be kept on record.

Copy of the order be communicated to the office of the learned Registrar General, High Court at Calcutta for information and necessary action.

(Ananya Bandyopadhyay, J)