

Item- 15-09-2025
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Ct. 16

FMAT (WC) 13 of 2022
CAN 1 of 2022
CAN 2 of 2022
CAN 3 of 2025

New India Assurance Co. Ltd.
Vs.
Nasima Khatoon & Anr.

Mr. Soumalya Ganguli
Ms. Ishita Ghosh

...for the appellant

Mr. Soujanya Bandopadhyay

...for the respondent no.1

In Re: CAN 1 of 2022

1. This is an application for condonation of delay. There is a delay of 808 days in preferring this appeal.
2. We are not fully satisfied with the explanation offered for not being able to prefer the appeal within the period of limitation. However, subject to payment of cost of Rs.10,000/- to the respondent no.1 within one week from date, this application stands allowed, in default, this application shall stand dismissed without any further reference to this Court.
3. The payment should be made by banker's cheque or in cash within the aforesaid period.
4. CAN 1 of 2022 stands disposed of.

In Re : CAN 2 of 2022

5. We have heard the learned counsel for the parties.
6. In view of the judgment of the Hon'ble Supreme Court in

the case of New India Assurance Co. Ltd. vs. Harshadbhai Amrutbhai Modhiya and Another reported in AIR 2006 SC 1926, we admit the appeal only on the ground as to whether the insurance company will be liable to pay interest on the compensation amount.

7. We direct that the principal amount awarded by the Tribunal, however, shall be payable to the respondent no.1/award-holder, namely, Nasima Khatoon by banker's cheque in favour of Nasima Khatoon.
8. The said cheque shall be handed over to the learned Counsel appearing for the respondent no.1 within two weeks from the date of this order and the learned Counsel for the respondent no.1 shall accept it on behalf of the award-holder.
9. The appellant shall also deposit the disputed amount payable towards interest with the learned Registrar General of this Court in cash within a period of two weeks from date.
10. The learned Registrar General shall deposit the said amount in any nationalized bank in a short term fixed deposit yielding highest return and shall keep it renewed for identical period till the disposal of the appeal.
11. There shall be an unconditional stay of operation of the impugned award for a period of two weeks from date. In the event, this order is complied with in full, the award shall remain stayed till the disposal of the appeal.
12. It is made clear that in the event this order is not complied with, the award shall be immediately

executable and the order of stay shall stand vacated without any further reference to this Court.

13. Since no affidavit-in-opposition is called for, all allegations are deemed to have been not admitted.
14. The application being CAN 2 of 2022 is, accordingly, disposed of.

In Re: CAN 3 of 2025

15. In view of the fact that the learned Advocate appointed by the respondent no.1 was not present when the appeal was called, we directed appointment of an Advocate by the Secretary, Calcutta High Court Legal Services Committee.
16. However, today, Mr. Soujanya Bandyopadhyay, learned Advocate appears and submits that he was instructed by the respondent no.1 to represent her in this proceeding. He has also filed vakalatnama on behalf of the respondent on January 21, 2025.
17. In view thereof, paragraph 3 of the order dated 1st September, 2025 shall stand recalled.
18. CAN 3 of 2025 is disposed of

In Re : FMAT (WC) 13 of 2022

19. The appellant is directed to file informal paper books containing all the pleadings and documents filed before the learned Presiding Judge in the meantime.
20. Mr. Ganguli, learned counsel for the appellant / insurance company shall serve the paper book upon the respondents / claimants.

21. Service of notice of appeal upon the respondents / claimants is dispensed with and the appeal is ready as regards service.
22. Let the matter be listed before the appropriate Bench subject to the convenience of the Bench in the Combined Monthly List of November, 2025.
23. All parties shall act on the basis of server copy of this order duly downloaded from the official website of this Hon'ble High Court.
24. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

(Soumen Sen, J.)

(Apurba Sinha Ray, J.)