

S/L 1
14.05.2025
Court No.2
SD

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CIVIL REVISIONAL JURISDICTION

CO 41 of 2025

Smt. Naimun Nisa & Anr.

Vs.

Md. Noman Ali & Anr.

Mr. Milindo Paul
Mr. Nabankur Paul
Ms. Sutapa Sen Paul
Ms. Bedashruti Bose
Mr. Subham Das
Mr. Bodhisatya Ghosh

... for the Petitioners.

Ms. Supriya Singh

... National Insurance Company.

Affidavit of service filed on behalf of the petitioners in
be kept with the record.

None appears on behalf of the National Insurance Co.
Ltd., the opposite party no.2 herein, under such circumstances,
this Court appoints Ms. Supriya Singh, learned advocate, to
represent the said opposite party no. 2, since she usually
appears for the said company. Her engagement be regularized.
Copy of the revisional application be served upon Ms. Singh.

The matter has been brought to the list at the instance
of the petitioners for extension of the interim order, however,
by the consent of the parties, the revisional application is taken
up for final disposal.

The instant application under Article 227 of the
Constitution of India is at the instance of the claimants in a
Motor Accident Claim Case and is directed against the Order
No.57 dated June 29, 2024 and Order No.58 dated September
19, 2024 passed by the 1st Court of learned Judge, Motor
Accident Claim Cases Tribunal, at Siliguri in the said claim case
being M.A.C. Case No. 50(6) of 2012.

The Tribunal, by the first order impugned has closed
the evidence of the petitioners and by the second order
impugned, has dismissed the application filed by the petitioners
for issuance of summons upon two more witnesses, *inter alia*,
on the grounds that the case is pending since 2012 and in view
of the direction of the Hon'ble Supreme Court, it is required to
be disposed of expeditiously.

It appears from the record that the recording of evidence of the petitioners was started on November 03, 2017, and was ultimately closed on June 29, 2024.

Learned advocate for the petitioners submits that the petitioners intend to cite two more witnesses to prove the income of their deceased son.

It appears from the record that the mother of the deceased, while deposing as P.W.1, had asserted that the monthly income of her deceased son was Rs. 7,600/- per month, no contrary suggestion to the said assertion was given on behalf of the insurance company, that being the position, citing further witnesses to prove the income of the victim is unnecessary.

The learned Trial Judge has exercised his discretion to close the evidence from the side of the petitioners to bring the said case to its logical conclusion expeditiously, as such cannot be faulted as arbitrary and/or capricious, this Court therefore, is not inclined to interfere with the order impugned.

C.O. 41 of 2025 is dismissed without any order as to costs.

In view of the dismissal of the revisional application, the connected application being CAN 1 of 2025 for extension of the interim order is also dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)