

16.06.2026
Item No.16(DL)
Court No.06
AJ.

**IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION**

C.O. 765 of 2026

**The New India Assurance Co. Ltd.
-Vs-
Shriprasad Shaw & Anr.**

Mr. Rajdeep Bhattacharyya.
.....for the petitioner.

Mr. Saswata Bhattacharyya.
.....for the opposite party no.1.

1. This revisional application is directed against an order dated December 17, 2025 passed by the learned Judge, 5th Bench, City Civil Court, Calcutta in MACC 649 of 2023 whereby an application under Section 5 of the Limitation Act 1963 filed by the opposite parties seeking condonation of delay in filing their claim under Section 166 of the Motor Vehicles Act, 1988 has been allowed upon condoning a delay of 20 years and 9 months.

2. Both Mr. Rajdeep Bhattacharyya and Mr. Saswata Bhattacharyya, learned Advocates appearing for the respective parties submits that in a similar matter being **C.O. 3564 of 2025 (Rahima Bibi & Ors. vs. Magma HDI General Insurance Company Ltd. & Anr.)** a co-ordinate Bench of this Court has passed an order directing the Motor Accident Claims Tribunal to proceed with the matter on its merits but not to pass final judgment

till disposal of the writ petition being ***Bhagirathi Dash -Vs- Union of India & Anr. (Writ Petitions(s) Civil No. 166 of 2024)*** pending before the Hon'ble Supreme Court.

3. Taking note of the order dated January 02, 2026 passed by the Co-ordinate Bench of this Court in ***Rahima Bibi*** (supra), and following suit, this revisional application is disposed of by requesting the Motor Accident Claims Tribunal to proceed with the matter on its own merit but not to pass final judgment in view of the order passed by the Hon'ble Supreme Court in the aforesaid case of ***Bhagirathi Dash (supra)***. It is recorded that the maintainability of the proceeding before the Tribunal and all orders passed therein will be subject to the decision of the Hon'ble Supreme Court on the issue of limitation.

4. With the aforesaid observations, C.O. 765 of 2026 stands disposed of. There shall be no order as to costs.

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

(Om Narayan Rai, J.)