

S/L 15
17.09.2026
Court No.9
Swd

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 937 of 2016
With
IA NO: CAN/1/2026, CAN/2/2026

Urmila Ghosh & Ors.
VS
The New India Assurance Co. Ltd & Anr.

Ms. Sima Ghosh,
Mr. A Koyal.

... for the Appellant.

Mr. Sanjoy Paul.

... for the Respondent.

1. Learned Advocates for the appellant and learned Advocate for the respondent No.1 are present.
2. The application for condonation of delay is taken up for consideration. Heard learned Advocate. Perused the petition filed. Upon perusing the petition and upon heard the learned Advocate, this Court is of the view that the cause for the delay is sufficient. Thus, delay in preferring this appeal is condoned and CAN 1 of 2026 stands disposed. The appeal is admitted.
3. As the respondent No.1 is represented further notice of respondent No.1 is dispensed with. In the instant case, as the respondent No.2 did not contest the case before the learned Trial Court

service of notice upon respondent No.2 is also dispensed with.

4. This application CAN 2 of 2026 is taken up for consideration. In the instant application, the appellant has prayed for recording the majority of appellant Nos.2 and 3. It is contended that the appellant Nos.2 and 3 have attained majority during the pendency of this appeal. Thus, CAN 2 of 2026 stands allowed. Let the majority of appellant Nos.2 and 3 be recorded. The amendment be carried within two weeks.
5. In view of the above CAN 1 of 2026 and CAN 2 of 2026 stand disposed.
6. By consent of the learned Advocate for the parties, the appeal is taken up for hearing. Heard learned Advocate for the appellant and heard learned Advocate for the respondent No.1. Insurance Company. Perused the judgment of the learned Trial Court and materials on record. The learned Advocate for the appellant submits that the learned Trial Judge erred in awarding Rs.2.92,500/-.
7. It is further submitted by the learned Advocate that by virtue of the amendment in the Motor Vehicles Act as per Section 164 the claimants appellants are entitled to get Rs.5 lakh.
8. Upon the considering the amendment in the Motor Vehicles Act and considering the provision

of Section 164 of the said statute and the fact that Motor Vehicle claim legislation is a beneficial legislation, this Court is of the view that the appellants are entitled to compensation of Rs.5 lakh.

9. Hence, this appeal **FMA 937 of 2016** stands disposed. The judgment and award 26th April, 2016 passed by the learned Additional District Judge, 4th Court, Suri, Birbhum in MAC case No.228 of 2014 is modified to the extent that the appellants claimants are entitled to compensation of Rs.5 lakh.
10. The respondent Insurance Company shall deposit Rs. 5 lakh before the Registrar General, High Court, Calcutta along with interest at the rate of 6% per annum from the date of filing of the claim case till today. Such deposit shall be made within eight weeks from the communication of this order.
11. In the event, the compensation awarded by the learned Trial Court is already paid or deposited the balance deposit be made. The appellants claimants will be entitled to withdraw the compensation upon compliance of necessary formalities. Deficit Court fees be paid within four weeks.

12. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(BISWAROOP CHOWDHURY, J.)