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FMA 1609 of 2003
With
IA NO: CAN 1 of 2003 (Old No. CAN 6547 of 2003)

Sri Ranjit Bardhan
Versus
Smt. Kanchan Das & Ors.

Mr. Dwijadas Chakraborty,
Mr. Sk. Sujauddin ... for the appellant.

Mr. Parimal Kumar Pahari.
... for the Insurance Company.

This appeal has been filed by the owner of the vehicle challenging the award passed by the learned Additional District Judge, Motor Accident Claims Tribunal Midnapore on 17th June 2003.

In this appeal, accidental death of Shiba Prasad Das is not disputed. It is also not disputed that Shiba Prasad Das died in an accident involving one motor cycle bearing no. WB 34/7876. In this appeal quantum of award passed by the learned Tribunal has not been disputed.

Learned Tribunal awarded compensation to the tune of Rs.1,09,000/- and after deducting sum of Rs.50,000/- under Section 140 of the Motor Vehicle Act, it comes to Rs.59,000/-. Learned Judge passed the order directing both the owner and the Insurance Company to pay the compensation of Rs. 59,000/- in equal share i.e. Rs. 29,500/- each.

Mr. Dwijadas Chakraborty, learned advocate appearing on behalf of the owner of the vehicle has submitted that the vehicle was duly insured with United India Insurance Company Limited and the owner of vehicle has already paid Rs.20,000/- to Kanchan Das i.e. widow of the deceased by showing the receipt therefor.

Mr. Parimal Kumar Pahari, learned advocate appearing on behalf of the Insurance Company admitted that the vehicle was duly insured with the United India Insurance Company Limited and Insurance company is liable to pay compensation. Therefore, there will be no difficulty in directing the Insurance Company to pay balance amount of Rs.9500/- with interest at rate of 6% per annum to the claimants before the Tribunal.

Accordingly United India Insurance Company Limited is directed to pay Rs. 9500/- along with interest at the rate of 6% per annum from the date of filing of the application till the date of deposit before the learned Additional District Judge, 3rd Court Paschim Midnapore by issuing three separate cheques in equal share in the name of the claimants as minors have already attained the age of majority by lapse of time.

With the above observation, the appeal being **FMA 1609 of 2003** is disposed of.

All pending applications, if there be any, stand disposed of.

Records of the learned Tribunal along with a copy of

this order be transmitted back immediately.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Bibhas Ranjan De, J.)