5.2. 2024
item No.174.
n.b.
ct. no. 551

FMA 1651 of 2019
with
IA No. CAN 1 of 2023

Ramjan Dafadar
Vs.
The National Insurance Co. Ltd. & Anr.

Mr. Amit Ranjan Roy,
.....for the appellant.
Mr. Rajesh Singh,
.... For the respondnet.

The instant appeal has been preferred against the Judgment and award dated April 12, 2018 passed by the learned Judge, Motor Accident Claims Tribunal, 5th Court, Nadia, in Motor Accident Claim Case No. 30 of 2014.

The learned Tribunal has awarded a sum of Rs.17,74,941/- and directed the Insurance Company to pay the compensation within two months from the date of order i.e(12.4.2018) following which the award shall carry 9% interest per annum.

It appears from the LCR that the Insurance Company deposited the cheque amounting to Rs.18,62,939 at the office of the learned Tribunal on 18.2.2019. Thus, it appears that the Insurance Company has complied the order of this Court as well as the learned Tribunal wherein the learned Tribunal has directed to deposit the awarded amount along with interest on default clause. The appellant is here before this Court only on the ground that the learned Tribunal has not awarded the compensation along with interest as per direction of the statue under Section 171 of the M.V. Act.

Learned advocate Mr. Singh appearing on behalf of the Insurance Company submits that the learned Tribunal has awarded the same and the insurance Company has deposited the entire awarded sum together with interest on default clause. However, the claimant has received the sum, so, the instant appeal is infrustuous.

Having heard and perused the materials on record and impugned award passed by the learned Tribunal, it appears to me that by virtue of provision under Section 171 of the M. V. Act all the compensation must have carry interest from the date of filing of the claim application till the disposal of the claim petition. In this case, learned Tribunal has not awarded interest along with compensation. Thus, I am of the view, the appeal has got merit and the same is allowed.

The Insurance Company is directed to pay the interest portion i.e. 6% per annum on and above, the compensation amount of Rs.17,74,941/- from the date of filing of the claim application i.e. from 30.1.2014 to April 12, 2018.

Accordingly, the Insurance Company is directed to deposit the same amount of interest through the office of the learned Registrar General, High Court, Calcutta within six weeks; on such deposit, the appellants are liberty to receive the same on usual terms and conditions.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Subhendu Samanta, J.)