

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA No.542 of 2021
Dolon Bibi & Anr.

vs.

The Reliance General Insurance Co. Ltd. & Anr.

Ms. Sima Ghosh

... for the appellants/claimants

Mr. Sanjay Paul

Ms. Jaita Ghosh

... for the respondent No.1/insurance company.

Heard on: December 5, 2024.

Judgment on: December 5, 2024.

Ananya Bandyopadhyay, J:-

The Learned Advocates representing the appellants/claimants as well as respondent No.1/insurance company are present.

The instant appeal has been preferred by the appellants/claimant against the judgment and award dated 2nd November, 2019 passed by the learned Judge, Motor Accident Claims Tribunal, Fast Track Court, Birbhum at Suri in M.A.C. Case No. 190 of 2016.

The appellants/claimants had filed an application under Section 163A of the Motor Vehicle Act, 1988 owing to an accident whereby the victim sustained injuries on 10.07.2016-11.07.2016 at midnight on NH 16 near Deucha Bridge under Md. Bazar Police Station while the victim approached towards Suri from

Rampurhat as helper of a vehicle bearing Registration No. WB 41D-7944 which collided with a tree due to the rash and negligent driving of the offending vehicle.

The Learned Tribunal after recording the evidence, disposed of the issues framed and awarded a sum of Rs.4,12,500/- along with an interest @ 6% per annum from the date of filing of the claim application till the realization of the awarded amount.

In view of the judgment of the Hon'ble High Court in Urmilla Halder v. The New India Assurance Company Ltd. and the same being affirmed by the Supreme Court on 08/02/2024 and the notification dated 22nd May, 2018, the appellants/claimants are entitled to Rs.5,00,000/- of just compensation with regard to second schedule 1(a) and notification dated 22nd May, 2018 and also the aforesaid observations of the High Court at Calcutta and the Hon'ble Supreme Court.

“Fatal Accidents:

Compensation payable in case of Death shall be five lakh rupees.”

The appellants/claimants are entitled to receive the balance amount of Rs. 5,00,000/- at the rate of 6% per cent per annum from the date of filing of the claim application till the date of actual realization. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 4,12,500/-.

The Learned Advocate for the respondent No.1/insurance company is to further deposit the balance sum of Rs. 87,500/- along with interest as aforesaid

before the office of the Learned Registrar General, High Court, Calcutta within four weeks from the date of passing of this order.

The office of the Registrar General, High Court, Calcutta shall encash the cheques and thereafter disburse the same to the present appellants/claimants in equal proportion as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, Fast Track Court, Birbhum at Suri in M.A.C. Case No.190 of 2016 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Courts fees.

The instant appeal is disposed of accordingly.

The TCR be sent down to the concerned tribunal forthwith.

Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

c.m.

(Ananya Bandyopadhyay, J.)