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IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1361 of 2022
CAN 2/2019 (Old No. CAN 3659/2019)

The New India Assurance Co. Ltd.

-Vs-

Sukhendranath Saha & Anr.

For the Appellant/insurance co. : Mr. Sanjay Paul
Ms. Jaita Ghosh

For the respondents/claimants : Mr. Ali Imam Shah

Heard on : 06.08.2024

Judgment on : 06.08.2024

Ananya Bandyopadhyay, J. :-

1. The learned advocate for the appellant/insurance company submitted that an application was filed under Section 163A of the Motor Vehicles Act, 1988 before the Court of learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, 2nd Court, Suri, Birbhum whereby the learned tribunal vide order dated 15.11.2018 disposed of the aforesaid application granting an award of Rs. 5,00,000/- along with 6 % interest from the date of filing of the claim application.
2. The learned advocate for the appellant/insurance company further submitted that the instant appeal had become infructuous in view of the observation of the Hon'ble Supreme

Court in Special Leave Petition (Civil) No. 6260 of 2019 dated 8th February, 2024 whereby the observation of the Division Bench of this Hon'ble Court in Urmila Halder Vs. The New India Assurance Co. Ltd. has been affirmed. More-over, the second schedule of the Notification dated 22nd May, 2018 issued by the competent authority stated that the compensation in case of fatal accident resulting in death of the victim shall be Rs. 5,00,000/-.

3. The learned advocate for the appellant/insurance company submits to have already deposited the entire awarded sum of Rs. 5,00,000/- along with 6 % interest at the Office of the Registrar General, High Court, Calcutta.
4. The Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present respondent/claimant in the proportion as mentioned in the award granted by the learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, 2nd Court, Suri, Birbhum, on proof of proper identification of the appellant/claimant.
5. The instant appeal and connected application are disposed of accordingly.
6. The interim order if any stand vacated.
7. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)