

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA No.1004 of 2022

Anjali Das & Anr.

vs.

M/s. New India Assurance Co. Ltd. & Anr.

Ms. Sima Ghosh

... for the appellants/claimants

Mr. Rajesh Singh

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

Heard on: December 2, 2024.

Judgment on: December 2, 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 appellant/insurance company against the Judgment and award dated 15th November, 2022 passed by the learned Judge, Motor Accident Claims Tribunal, Special (E.C. Act) Berhampore, Murshidabad in M.A.C. Case No. 111 of 2016.

The appellants/claimants had filed an application under Section 163A of the Motor Vehicle Act, 1988 on account of accident which occurred on 16.11.2015 at about 05.00 p.m. hours when the victim commuting a motor cycle bearing registration No. WB 94B-3077 was hit by the offending vehicle being a truck bearing registration No. CG 04 JC 8759 at Tarapur Hospital, P.S.

Samsorganj. As a result, the death of the victim at Tarapur hospital being shifted thereafter by the local people.

The Learned Tribunal after recording the evidence, disposed of the issues framed and awarded a sum of Rs.2,70,200/- along with an interest @ 5% per annum from the date of filing of the claim application till the realization of the awarded amount.

A notification dated 22nd May, 2018 in the second schedule 1(a) states as follows: -

*“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 The learned advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 2,70,200/-.

The Learned Advocate for the respondent No.1/insurance company is to further deposit the balance sum of Rs. 2,29,800/- 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, Special (E.C. Act) Berhampore, Murshidabad in

M.A.C. Case No.111 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.

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

c.m.

(Ananya Bandyopadhyay, J.)