

22.4. 2024
item No.229
n.b.
ct. no. 551

FMAT(MV) 544 of 2022

With

IA No. CAN 1 of 2022

Sri Manoranjan Mondal

Vs.

Sri Ashok Kumar Das & Anr.

Mr. Purna Chandra Maity

.... For the Appellant

Mr. Rajesh Singh

....For the respondents.

In Re. CAN 1 of 2022

Delay of 22 days is condoned.

Accordingly, CAN 1 of 2022 stands disposed of.

Admit the appeal.

Let the matter be taken up for hearing.

Heard the learned advocates for the parties it appears that a very small point is involved in this appeal. The instant appeal has been preferred against the order dated 30th June, 2022 passed by the learned Tribunal in MACC No.414 of 2013 under Section 166 of the M.V. Act.

The claimants is the injured, who suffered an accident on 5.5.2013 and filed an application under Section 166 of the M.V. Act for getting the compensation only on the ground that he sustained accident due to rash and negligent driving of the offending vehicle bearing no.WB 31 4319 (Truck). The claim case was contested by the insurance company by filing written statement.

After hearing the parties and after receiving the evidence, the learned Tribunal has awarded a sum of Rs.7,00,650/- as compensation towards the claimant and directed the insurance company to pay the compensation.

The said award was satisfied by the insurance company by issuing specific cheques dated July 18, 2022. After receiving the award, the claimants being aggrieved by and dissatisfied with the award has preferred the instant appeal.

It is the sole ground that the award does not order to carry interest as per provision of Section 171 of the M.V. act.

Learned advocate for the appellant submits that the award must have carried some interests but the learned Tribunal has only awarded interest on default clause.

Mr. Singh, learned advocate appearing for the insurance company submits that the provision of Section 171 may be applicable in this case. However, he submits that the insurance company has complied with the order, So, after receiving such award, the claimants cannot prefer a separate appeal on the basis of the interest.

Having heard the learned counsel for the parties, it appears to me according to the provision of Section 171 of the M.V. Act that award passed by the Tribunal must couple with some interest. In this case learned Tribunal has not awarded any interest. So, in my view the award

passed by the learned Tribunal is erroneous in respect of non-awarding interest portion on the awarded amount. Thus, the impugned award is modified. The award passed by the learned Tribunal shall carry 6% interest from the date of filing of the application i.e. September 8, 2013 to July 18, 2022.

The insurance company is directed to comply this order through the office of the learned Registrar General, High Court, Calcutta within six weeks. Upon such deposit, the claimant is at liberty to receive the same on usual norms of identification and certifications.

Accordingly, FMAT(MV) 544 of 2022 stands allowed.

Connected applications, if pending are disposed of.

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

(Subhendu Samanta, J.)