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IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMAT 1287 of 2019

Swapan Ghosh & Ors.

-Vs-

Cholamandalam Ms. General Insurance Co. Ltd. & Anr.

For the Appellants/claimants : Mr. Muktakesh Das
Ms. Sonali Bag

For the respondent/insurance co. : Mr. Soumalya Ganguly

Heard on : 08.08.2024

Judgment on : 08.08.2024

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates for the appellants/claimants as well as the respondents/insurance company are present and conjointly submitted that in view of the Notification dated 22nd May, 2018 issued by the appropriate authority through Gazette Publication, the learned tribunal has erred in granting an award of Rs 1,24,500/- instead of Rs. 5,000,00/- as consolidated amount to be granted in view of the aforesaid Notification.
2. The learned advocate for the respondent/insurance company did not dispute the occurrence of the incident along with the ancillary issues concerning driving licence,

route permit, insurance policy etc. This Court , therefore, restricts itself only to the extent of granting excess sum of Rs. 3,75,500/- to the claimant/appellants in view of the aforesaid Notification in the instant appeal arising out of an application filed under Section 163A of the Motor Vehicles Act, 1988. The impugned judgment passed by the aforesaid tribunal is modified to the extent of Rs. 3,75,500/- assessed of Rs. 5,00,000/- along with interest to be paid at the rate of 6% per annum from the date of filing of the application till the date of its actual realization.

3. The Learned Advocate for the appellants/claimants submitted to have received the compensation of Rs. 1,24,500/-.
4. The Learned Advocate for the respondent/insurance company is to deposit the balance sum of Rs. 3,75,500/- along with 6% per cent interest per annum from the date of filing of the claim application before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order.
5. On receipt of the said amount, the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants in the proportion as mentioned in

the award granted by the MAC Tribunal-Cum-Additional District Judge, Fast Track Court-II, Krishnanagar, Nadia.

6. The instant appeal is disposed of accordingly.
7. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)