

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMAT (MV) 635 of 2024
CAN 1 of 2024
Reliance General Insurance Co. Ltd.

vs.

Smt. Priti Bauliya nee Das @ Smt. Priti Baulia (Nee Das).

Ms. Gopa Das Mukherjee

... for the appellant/insurance Co.

Mr. Jayanta Mondal

Mr. Sayantan Rakshit

... for the respondent No.1 to 3/claimants

Heard on: December 23, 2024.

Judgment on: December 23, 2024.

Ananya Bandyopadhyay, J:-

1. The Learned Advocates representing the appellant/insurance company as well as respondent Nos.1 to 3/claimants are present.
2. The instant appeal had been preferred against the judgment and award dated 20th September, 2024 passed by the learned Judge, Motor Accident Claims Tribunal cum Bench-XIII, City Civil Court, Calcutta in M.A.C. Case No. 255 of 2018 under Section 163A of the Motor Vehicles Act.
3. The Learned Tribunal after recording the evidence, disposed of the issues framed and awarded a sum of Rs.10,86,600/- along with an

interest at the rate of 7% per annum from the date of filing of the claim application till the realization of the awarded amount.

4. Since, the occurrence of the accident, involvement of the offending vehicle, driving licence, route permit and insurance policy etc. have not been disputed by the Learned Advocate representing the appellant/insurance company, this Court restricts itself only to the extent of granting compensation considering the judgment of the Hon'ble High Court in *Urmila Halder v. The New India Assurance Company Ltd*¹. and the same being affirmed by the Supreme Court in *Special Leave Petition*² 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, the second schedule 1(a) is as follows: -

*“Fatal Accidents:
Compensation payable in case of
Death shall be five lakh rupees.”*

5. The respondents Nos.1 to 3/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.

¹ 2019(2)TAC 143

² Special Leave Petition(Civil) No. 6260 of 2019

6. The Learned Advocate for the appellant/insurance company is to deposit statutory amount = 4,75,000/- (Rs. 5,00,0,00 -25,000) and further deposit the balance sum of Rs. 4,75,000/- along with interest as aforesaid before the office of the Learned Registrar General, High Court, Calcutta within 12 weeks from the date of passing of this order.
7. The office of the Registrar General, High Court, Calcutta shall encash the cheque and thereafter disburse the same to the present respondent Nos. 1 to 3/claimants in the award passed by the learned Judge, Motor Accident Claims Tribunal cum Bench-XIII, City Civil Court, Calcutta in M.A.C. Case No.255 of 2018 on proof of proper identification of the respondent Nos. 1 to 3/claimants subject to payment of *ad valorem* Courts fees.
8. The instant appeal and connected application are disposed of accordingly.
13. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

c.m. Ar Ct.

(Ananya Bandyopadhyay, J.)