

24 31.07.
Ct 2024
3
RUP

**IN THE HIGH COURT, CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION**

F.M.A. 4 of 2024

**Smt. Chandana Paul & Ors.
Versus
Sadhu Sutradhar & Anr.**

Mr. Uday Sankar Sarkar.
..... For the appellants.

Mr. Pasupati Nath
... for the respondent No.2.

1. Learned counsel appearing on behalf of the appellants has filed paper book in court today and the same be taken on record.
2. This appeal has been filed assailing the judgment and award passed by the learned Motor Accident Claim Tribunal, Jalpaiguri (Additional District Judge, Fast Track, 1st Court, Jalpaiguri) in connection with Motor Accident Claim Case No. 352 of 2016 under Section 166 of the Motor Vehicles Act.
3. Both the learned counsels appearing on behalf of the appellants as well as Insurance Company are present.
4. The claim petition under Section 166 of the Motor Vehicle Act was filed with a prayer for compensation on account of accidental death of one Sudip Kumar Paul on 17.04.2016. The

case of the claimants is that when the said Sudip Kumar Paul was returning home from Ambari by riding his scooter, he met an accident by involvement of one, Motor Cycle bearing registration No. WB-74A-4796 coming from opposite side with high speed.

5. The claim petition was filed claiming compensation from the insurance company of the offending vehicle.
6. Witnesses on behalf of the claimants were examined and learned Tribunal awarded compensation to the tune of Rs.27,74,000/-.
7. Learned counsel on behalf of the appellants has submitted that entire awarded amount has already been received by the claimants, but no order was passed by the learned Tribunal regarding interest on the compensation amount save and except default interest.
8. From the order, it appears that insurance company was directed to pay the awarded amount within two months from date of judgment which was passed on 21.08.2023, but in case of failure on the part of the insurance company, interest will be imposed @ 6% per annum from date of filing of this appeal.
9. Learned counsel on behalf of the insurance

company/respondent No.2 has submitted that claimants are entitled to get interest according to the provision of the Motor Vehicles Act.

10. Section 171 of the Motor Vehicles Act mandates the imposition of interest from the date of filing of claim petition shall have to be awarded along with compensation. Therefore, the award passed without any interest within the meaning of Section 171 of the Motor Vehicles Act is required to be modified.

11. In the aforesaid view of the matter, Insurance Company/respondent no.2 is directed to pay the interest on the entire compensation amount from the date of filing of the claim petition till the date of deposit before the Tribunal within four weeks from date by issuing cheques in the name of appellants/claimants in equal share.

12. Learned Tribunal is requested to disburse the said cheques in equal proportion to the claimants on proper identification and proof.

13. With the above observation, the appeal being **F.M.A. 4 of 2024** stands disposed of.

14. All pending applications, if there be any, stands disposed of.

15. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon

compliance of necessary formalities.

(Bibhas Ranjan De, J.)