

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**IA No.:CAN/3/2014(Old No.:CAN/8671/2014)
in
FMA 647 of 2012**

**The Oriental Insurance Company Limited
Versus
Tuni Singh & Ors.**

For the Appellant/
Insurance Company : Mr. Parimal Kumar Pahari.

For the Respondents/claimants : Mr. Sakti Chatterjee,
Mr. Monotosh Ghosh

Heard & Judgment on : 25th August, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondents/claimants are present in Court.
2. The instant appeal had been filed against the judgment and award dated 12.06.2008 passed by the Learned Additional District and Sessions Judge, Motor Accident Claims Tribunal, Fast Track, 2nd Court, Paschim Medinipur M.A.C. Case No. 206 of 2006.

3. An application under Section 166 of the Motor Vehicles Act had been filed by the claimants on account of the death of the victim in an accident which occurred on 11.02.2006 at about 20:00 hours at N.H. 6 within the jurisdiction of Debra Police Station, District-Paschim Medinipur with the involvement of the offending vehicle being an auto pick up van bearing registration no. WB-33X/0087 which approaching at an exceeding speed rashly and negligently hit the victim who was returning home after his day's work as a mason and was consequently thrown at a distance from the point of collision and on his admission at the Hospital expired after sometime on 11.02.2006.
4. The Learned Advocate representing the appellant/Insurance Company submitted that the offending vehicle, as aforesaid, was not involved in the accident since the complaint filed under Section 156(3) did not mention that the victim was hit by the offending vehicle rather it was stated that an unknown vehicle had clashed the victim and, thereafter, escaped. The Learned Advocate representing the appellant/Insurance Company further referred to the evidence of the owner of the offending vehicle being opposite party no. 1 who deposed before the Court as O.P.W. 1 stating the offending vehicle never left the jurisdiction of Midnapore town. Moreover, the offending vehicle was not been driven by the driver named, Sukdev Das.

5. The Learned Advocate representing the respondents/claimants submitted the Learned Tribunal considering all the relevant factors justifiably granted the compensation awarded which need not be interfered with.
6. Since, the occurrence of the accident, the driving license, Insurance certificate etc. are not disputed by the Learned advocate representing the appellant/Insurance Company, this Court restricts itself only to the extent of modifying the above-mentioned issues.
7. Considered the rival contentions of the Learned Advocates representing the respective parties.
8. The evidence of the owner of the offending vehicle being O.P.W. 1 in his cross-examination stated the offending vehicle, an auto pick up van bearing registration no. WB-33X/0087 was not seized by the Police nor did the driver of the offending vehicle was ever deployed by him to drive the offending vehicle. However, the charge-sheet marked as Exhibit – 2 mentioned the seizure of the aforesaid offending vehicle along with the driver to have been arrested and the blue book and other relevant documents to have been seized from the possession of the driver of the offending vehicle. The charge-sheet also prima facie mentioned the involvement of the offending vehicle which had been driven by the driver to have been mentioned as the offender in the charge-

sheet which had been exhibited before the Learned Tribunal. The evidence of the owner of the offending vehicle had been contrary to the documents marked as Exhibits.

9. This Court is, therefore, not inclined to interfere with the observation of the Learned Tribunal in the impugned Judgment and order. The impugned Judgment and order is modified to the extent that the appellant/Insurance Company is to pay a sum of Rs.2,65,500/- along with interest at the rate of 6% per annum from the date of filing of the application under Section 166 of the Motor Vehicles Act till the date of its realization.
10. The Learned Advocate representing the appellant/Insurance Company further submitted to have deposited the entire compensation amount without the interest at the office of the Learned Registrar General, High Court at Calcutta.
11. The Learned Advocate representing the appellant/Insurance Company is to further deposit the interest at the rate of 6% per annum on the principal amount to be calculated from the date of filing of the application under Section 166 of the Motor Vehicles Act till the date of its deposit at the office of the Learned Registrar General, High Court at Calcutta within a period of six weeks from the date of passing of this order.
12. The office of the Learned Registrar General, High Court at Calcutta, shall encash the cheques and thereafter disburse the

entire awarded amount so deposited with accrued interest directly to the Bank accounts of respondents/claimants in proportion as mentioned in the impugned judgment of the Learned Additional District and Sessions Judge, Motor Accident Claims Tribunal, Fast Track, 2nd Court, Paschim Medinipur M.A.C. Case No. 206 of 2006 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Court fees . The Office of the Learned Registrar General, High Court at Calcutta will instruct the claimants to provide details of their Bank accounts with relevant documentary proof, prior to such disbursal as aforesaid.

13. The instant appeal is disposed of accordingly.
14. The pending applications, if any, stands disposed of.
15. The TCR be sent down to the concerned Tribunal forthwith.
16. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

Srimanta, A.R.(Ct.)