

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 842 of 2012

**United India Insurance Company Limited
Versus
Shantanu Das & Ors.**

With

COT/12/2012

**United India Insurance Company Limited
Versus
Shantanu Das & Ors.**

For the appellant/Insurance Company : Mr. Sanjay Paul

For the respondents/claimants : Mr. Anand Keshri

Heard & Judgment on : 31th July, 2025

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present in Court.
2. The instant appeal had been filed against the judgment and award dated 24.06.2011 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, 7th Court, Alipore, South-Parganas in M.A.C. Case No. 24 of 2008.
3. The Learned Advocate representing the appellant/Insurance Company submitted to have filed the instant appeal exclusively on the ground

that the age of the victim was 62 years on the date of the accident as revealed from the post mortem report as well as the death certificate marked as Exhibit-6 and Exhibit-11 respectively. Moreover, the driver of the offending vehicle was possessing a Learner licence issued in his favour by the concerned department and the appellant/Insurance Company under such circumstances was not liable to pay the award as directed by the Learned Tribunal in the impugned judgment and order.

4. The Learned Advocate representing the respondents/claimants submitted to have filed a cross-objection being COT/12/2012 which he declined to pursue and the same be dismissed as not pressed.
5. Since the occurrence of the accident, insurance policy, the driving licence, route permit etc and other ancillary issues are not disputed by the Learned advocate representing the appellant/insurance company, this Court restricts itself only to the extent of determine the above-mentioned issues.
6. Considered the rival contentions of the respective parties.
7. The post mortem report as well as the death certificate mentioning the age of the decease on the death of the same could not have been an authenticated document to prove the age of the victim. The evidence of P.W. 1 revealed that the decease was married to P.W.1, the wife of the same an age of 18 years while decease was 25 years of age in the year 1980. The accident occurred on 10th October, 2007 which denoted the age of the victim to have been within 50 years.

8. Considering the facts and circumstances of the case and the explanation cited by the Learned Tribunal in considering the age of the victim as well as the liability of the appellant/Insurance Company to pay the compensation, this Court is not inclined to interfere with the same.
9. The Learned Advocate representing the appellant/Insurance Company submitted that the entire awarded sum had been deposited at the office of the Learned Registrar General, High Court at Calcutta to be withdrawn by the claimants.
10. 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 to the Bank accounts of the respondents/claimants directly as mentioned by the Learned Additional District Judge, Motor Accident Claims Tribunal, 7th Court, Alipore, South 24-Parganas in MAC Case No. 24 of 2008 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Court fees and refund the balance amount, if any, along with accrued interest through a cheque to the Learned Advocate for the appellant/Insurance Company for the account of the Insurance Company. 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.
11. The instant appeal is dismissed accordingly.
12. The interim order, if any, stands vacated.

13. 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)