IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1238 of 2012
Hembala Mandal & Anr.
-Vs-
The United India Insurance Co. Ltd. & Anr.

For the Appellants/claimants	:	Mr. Saidur Rahaman
For the respondent No.1/insurance co.	:	Mr. Parimal Kumar Pahari
Heard on	**:**	06.05.2025
Judgment on	**:**	01.07.2025

<u>Ananya Bandyopadhyay, J. :-</u>

1. The Learned Advocates for the appellants/claimants as well as the respondent No.1/insurance company are present in Court.
2. The instant appeal had been filed against the judgment dated 22nd September, 2011 passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, 2nd Fast Track Court, Malda in MAC Case No. 99 of 2011 under Section 163A of the Motor Vehicles Act, 1988.
3. An application under Section 163A of the Motor Vehicles Act had been filed by the claimants being the parents of the victim girl aged 17 years of age who expired in an accident which occurred on 6th February, 2011 at 11.35 hours near Kendpukur Bus Stand, beside Malda State Highway under the jurisdiction of Habibpur

police station in the District of Malda while the victim girl was preceding at her bicycle she was hit by mini truck bearing registration No. WB-65/7896 proceeding from the side of Bulbulchandi towards Pakua and clashed with the victim who expired on the spot. The learned Tribunal after assessing the oral and documentary evidence awarded a sum of Rs. 1,27,000/- with a default clause of interest.

4. Heard the submissions of the Learned Advocates representing both the parties.
5. 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 respondent No.1/insurance company, this Court restricts itself only to the extent agitated by the learned Advocates representing the respective parties. In the year 2011 the notification as well as order of the Hon'ble Supreme Court in **Urmila Halder v. The New India Assurance Company Ltd** was in existence for the learned Tribunal to comprehensively grant a sum of Rs. 5,00,000/-. However, In view of the Notification dated 22nd May, 2018 and as also the decision of the Hon'ble **High Court in Urmila Halder v. The New India Assurance Company Ltd** and the same being affirmed by the Supreme Court in Special Leave Petition, the appellants/claimants are entitled to

Rs.5,00,000/- of just compensation with regard to the Second Schedule 1(a) as aforesaid which is replicated as follows: -

> "Fatal Accidents:
> Compensation payable in case of Death shall be five lakh rupees."

1. The impugned judgment passed by the aforesaid tribunal is modified to the extent of Rs. 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. The Learned Advocate for the appellants/claimants submitted to have received the compensation of Rs. 1,27,000/-.In view of the observation of the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors**.1 the appellants/claimants are to provide the details of Bank Accounts held in the name of the appellants/claimants at the office of the learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.

6. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 3,73,000/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within two months from the date of passing of this order.
7. On receipt of the said amount, the office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter

disburse the same directly to the bank accounts of the present appellants/claimants as mentioned by the learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, 2nd Fast Track Court, Malda in MAC Case No. 99 of 2011 under Section 163A of the Motor Vehicles Act, 1988 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees within four weeks.

8. The instant appeal is disposed of accordingly.
9. The pending application, if any, stands disposed of.
10. The TCR be sent down to the concerned tribunal forthwith.
11. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

[1] 2025 INSC 361