

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

***FMA 2224 of 2016
CAN 1 of 2017 (old No. CAN 5818/2017)***

Amit Bhakat

-Vs-

National Insurance Co. Ltd. & Anr.

For the Appellant/claimant : Mr. Saidur Rahaman

For the respondent No.1/insurance co. : Mr. Parimal Kumar Pahari

Heard on & Judgment on : 23.04. 2025

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates for the appellant/claimant as well as the respondent No.1/insurance company are present.
2. The instant appeal had been filed against the judgment dated 26th March, 2014 passed by the learned Judge, Motor Accident Claims Tribunal, 5th Court, Barasat, North 24-Parganas in MAC Case No. 47 of 2010 under Section 163A of the Motor Vehicles Act, 1988.
3. The Learned Advocate representing the appellant/claimant submitted that the instant appeal had been filed for enhancement of the compensation award by the learned Tribunal to the extent of Rs.3,16,700/- which should be Rs. 5,00,000/- as consolidated amount in view of the notification dated 22nd May, 2018 as well as

the observation of the Hon'ble Supreme Court in **Urmila Halder v. The New India Assurance Company Ltd.**

4. The Learned Advocate representing the respondent No.1/insurance company did not object to the same.
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 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 appellant/claimant is entitled to Rs.5,00,000/- of just compensation with regard to the second schedule 1(a) which is replicated as follows: -

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

6. The impugned judgment passed by the aforesaid tribunal is modified to the extent of Rs. 1,83,300/- (Rs.5,00,000-Rs. 3,16,700/-) 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

appellant/claimant submitted to have received the compensation of Rs. 3,16,700/-.

7. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,83,300/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order.
8. 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 to the present appellant/claimant as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, 5th Court, Barasat, North 24-Parganas in MAC Case No. 47 of 2010 on proof of proper identification of the appellant/claimant subject to payment of ad valorem Courts fees.
9. The instant appeal is disposed of accordingly.
10. The pending application stands disposed of.
11. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)