04.04.25
03 Ct. No.655
Sws.M

FMA 1400 of 2015

Saswati Ghosh & Ors.
vs.
The New India Assurance Company Ltd. & Anr.

Mr. Ashique Mondal
Mr. Soujanya Bandyopadhyay
Mr. S. Alam
....for the appellants

Ms. Gopa Das Mukherjee
....for the respondent
/Insurance Company

1. This matter is listed at the behest of the appellants/claimants.
2. Learned advocate for the appellants is present.
3. Learned advocate for the Insurance Company is present through virtual mode.
4. It is submitted by learned advocate for the appellants/claimants that they have already received the compensation to the tune of Rs.12,42,000/- as awarded by the Tribunal, but they are entitled to interest at the appropriate rate on the said amount from the date of filing of the claim application till payment. The Tribunal has given interest @ 10% in default of payment of awarded compensation within the timeframe as indicated in that order.
5. The present claimants/appellants are entitled to get interest on the principal amount as awarded by the Tribunal from the date of filing of the claim petition till the date of payment and the interest on the enhanced awarded amount from the date of filing of the claim application till realisation.

6. Learned advocate for the Insurance Company raises objection against the submissions made on behalf of the appellants/claimants.
7. It appears from the order passed by this Court dated 06.02.2025, wherein the compensation amount was enhanced to the tune of Rs.28,31,272/-. As the amount awarded by the Tribunal was already received by the claimants, so it was decided that they are entitled to get the balance amount i.e. Rs.15,89,272/-. The interest @ 6% per annum was also given on the enhanced amount from the date of filing of the claim application till realization. The principal amount to the tune of Rs.12,42,000/- as awarded by the tribunal was paid to the appellants. So, the interest @ 6% per annum which was accrued from the date of filing of the claim application till the date of payment upon the said amount of Rs.12,42,000/- should be given to the claimants by the insurance company.
8. The appellants are also entitled to get interest @6% per annum from the date of filing of the claim application till realization upon the balance amount of Rs.15,89,272/- and it should also be given to the appellants/claimants by the respondent insurance company.

9. Accordingly, the Judgment/Order passed by this court dated 06.02.2025, regarding interest part is hereby modified.
10. The other part of the judgement shall be remained unaltered. This order should be made part of that original Judgment/Order dated 06.02.2025.
11. Urgent Photostat certified copy of the order be given to the parties upon payment of proper court fees.

(Prasenjit Biswas, J)