

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMAT(MV) 36 of 2025

Nityananda Barman & Ors.

Versus

The Bajaj Allianz General Insurance Co. Ltd. & Ors.

For the Appellants : Ms. Ruxmini Basu Roy

For the Respondent No.1/
Insurance co. : Mr. Soumalya Ganguli.

Heard & Judgment on : 9th 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 25th September, 2024 passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, FTC-II, Raiganj, Uttar Dinajpur in M.A.C. Case No. 14 of 2021 under Section 166 of the Motor Vehicles Act.
3. Learned Advocate representing the appellants/claimants submitted that the learned Tribunal had erred in granting the interest at the rate of 6% per annum from the date of conclusion of the evidence i.e. 16.02.2024

till the date of its realization. It was further submitted the compensation towards filial consortium was not granted.

4. The Learned Advocate representing the respondent Nos. 1 /insurance company submitted that the learned tribunal has rightly assessed the compensation awarded and this Court is not interfered with the same.
5. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues have not been disputed by the learned advocate representing the respondent No.1/insurance company.
6. Heard the submission of the Learned Advocates representing both the parties.
7. In the impugned judgment and order as far as the amount of consortium is concerned the learned Tribunal has granted a sum of Rs. 77,000/-. However, the interest is modified to the extent of 6% per annum to be paid from the date of filing of the claim application till the date before conclusion of evidence i.e. 15.02.2024.
8. The Learned Advocate representing the appellants/claimants submitted that the awarded amount along with interest has been received by the claimants before the Learned Tribunal. The balance amount of interest is to be disbursed from the date of filing of the claim application till the date of conclusion evidence i.e. 15.02.2024 before the office of the learned Registrar General, High Court Calcutta within two months from the date of passing of this judgment. 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.

9. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants as mentioned in the award passed by learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, FTC-II, Raiganj, Uttar Dinajpur in M.A.C. Case No. 14 of 2021 under Section 166 of the Motor Vehicles Act on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
10. The instant appeal is disposed of accordingly.
11. The pending applications if any stands disposed of.
12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

c.m. Ar. Ct.

¹ 2025 INSC 361