

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 403 of 2024

Rejina Bibi & Ors.

-Vs-

IFFCO Tokio General Insurance Co. Ltd. & Ors.

For the Appellants/claimants : Mr. Jayanta Kr. Mondal,
Mr. S. Rakshit.

For the respondent No.1/insurance co. : Mr. Rajesh Singh

Heard & Judgment on : 01.05. 2025

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates for the appellants/claimants as well as the respondent No.1/insurance Company are present.
2. The instant appeal had been filed against the judgment dated 10.10.2023 passed by the learned Additional District Judge, Motor Accident Claims Tribunal, Rampurhat, Birbhum in MAC Case No. 21 of 2019 under Section 163A of the Motor Vehicles Act, 1988.
3. The Learned Advocate representing the appellants/claimants submitted that in view of the notification dated 22nd May, 2018 and the subsequent decision of the Hon'ble Supreme Court in

Urmila Halder v. The New India Assurance Company Ltd. the sum of Rs.2,64,000/- granted as a compensation by the learned Tribunal should be modified to Rs.5,00,000/-.

4. The learned Advocate representing the respondents/Insurance Company submitted that the learned Tribunal erroneously granted interest to the extent of 7% per annum from the date of filing of the MAC Case No. 21/2019 till the date of its realization which have been exorbitant.
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 of modifying the compensation award in favour of the appellants/claimants considering 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) which is replicated as follows: -

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

6. The learned Advocate representing the respondents/Insurance Company submitted that the appellants/claimants had already received a sum of Rs.2,64,000/- along with interest at the rate of 7% per annum.
7. The learned Advocate representing the respondents/Insurance Company is to further deposit a sum of Rs.2,36,000/- along with interest at the rate of 6% per annum from the date of filing of the aforesaid M.A.C. Case No. 21/2019 till the date of its realization. Adjustment to the extent of 1% of excess rate of interest paid earlier is to be adjusted. The other portions of the impugned judgment and order dated 10.10.2023 passed by the learned Additional District Judge, Motor Accident Claims Tribunal, Rampurhat, Birbhum in M.A.C. Case No. 21 of 2019 is not interfered with.
8. The right to pay and recovery as granted by the impugned judgment remains unaltered.
9. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 2,36,000/- 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.
10. 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 appellants/claimants within four weeks as mentioned in the award passed by the learned Additional District Judge, Motor Accident Claims Tribunal, Rampurhat, Birbhum in MAC Case No. 21 of 2019 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees.

11. The instant appeal is disposed of accordingly.
12. The pending applications, if any, stands disposed of.
13. The TCR be sent down to the concerned Tribunal forthwith.
14. 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.)