

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 404 of 2024

Kakali Roychowdhury & Anr.

-vs.-

The United India Insurance Company Limited & Anr.

For the appellants/claimants : Mr. Saidur Rahaman.

For the respondent no.1/insurance company. : Mr. P. K. Pahari.

Heard & Judgment on : 8th July, 2025.

Ananya Bandyopadhyay, J:-

The Learned Advocates representing the respective parties are present in Court.

The instant appeal had been preferred against the impugned judgment and award dated 17.11.2023 passed by the Learned Additional District Judge, Fast Track 3rd Court, Motor Accident Claims Tribunal, Barasat, North 24-Parganas in MAC Case No.538 of 2018.

The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal solely on the ground that the Learned Tribunal in disposing of an application under Section 163A of the Motor Vehicles Act filed by the appellants/claimants for the death of the

deceased victim in an accident which occurred on 28.04.2017 at about 12:15 hours with the involvement of the offending vehicle being a motor cycle bearing registration no. WB-18E/3777 granted a sum of Rs.2,00,484/- as compensation instead of the consolidated sum of Rs.5,00,000/- in view of the notification dated 22nd May, 2018 as well as the observation of the Hon'ble Supreme Court in Urmila Haldar Vs. The New India Assurance Company Ltd.¹

The Learned Advocate representing the respondents/Insurance Company controverted the claim of the Learned Advocate representing the appellants/claimants submitting that the Learned Tribunal was justified in pronouncing the impugned Judgment and order.

Since, the occurrence of the accident, involvement of the offending vehicle, the driving license, Insurance certificate etc. are not disputed by the Learned Advocate representing the appellant/insurance company, this Court restricts itself only to the extent of granting compensation to the tune of Rs.5,00,000/- on the basis of the notification dated 22nd May, 2018 and the decisions of the Hon'ble Supreme Court in Urmila Haldar Vs. The New India Assurance Company Ltd and also the aforesaid observations of the High Court at Calcutta and the Hon'ble Supreme Court.

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

¹ 2019(2) TAC 143

The appellants/claimants are entitled to receive the remaining balance amount of Rs. 2,99,516/- along with interest at the rate of 6% per annum from the date of filing of the claim application till the date of actual realization. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 2,00,484/-. 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 disbursement of the compensation amount.

The Learned Advocate for the respondent No.1/insurance company is to further deposit the remaining balance of Rs. 2,99,516/- along with interest at the rate of 6% per annum from the date of filing of the claim application till the date of its realization before the office of the Learned Registrar General, High Court, Calcutta within three months from the date of passing of this order.

The office of the Registrar General, High Court, Calcutta shall encash the cheques and thereafter disburse the same directly to the Bank accounts of the present appellants/claimants in equal proportion as mentioned in the award passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, Fast Track, 3rd Court, Barasat, North 24-

Parganas in MAC Case No. 538 of 2018 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Courts fees.

The instant appeal is disposed of accordingly.

The TCR be sent down to the concerned tribunal forthwith.

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.)