

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 987 of 2006

National Insurance Company Ltd.

-Vs-

Parul Bauriya Das & Anr.

For the Appellant/Insurance Co. : Ms. Gopa Das Mukherjee

For the respondent No.1/claimant : Ms. Sima Ghosh

Heard on : 18.06.2025

Judgment on : 1st 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 dated 16th November, 2005 passed by the learned Judge, Motor Accident Claims Tribunal Birbhum, Suri in MAC Case No. 82 of 2004 under Section 163A of the Motor Vehicles Act, 1988.
3. An application under Section 163A of the Motor Vehicles Act had been filed by the claimants on account of the death of the victim in an accident which occurred on 26th March, 2004 at Krinahar Road at Datna village at about 19.00 hours with the involvement of a tractor bearing registration No.WB-41-9448 which had

excessive speed rashly and negligently dashed the victim resulting in his instantaneously death on the spot. The learned tribunal after assessing the oral and documentary evidence computed a sum of Rs. 4,10,000/- as the compensation amount at the rate of 8% per annum from the date of receipt of this judgment through execution proceeding.

4. Heard the submissions of the Learned Advocates representing both the parties.
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 appellant/insurance company, this Court restricts itself only to the extent agitated by the learned Advocates representing the respective parties. In the year 2005 the notification as well as order of the Hon'ble Supreme Court in **Urmila Halder v. The New India Assurance Company Ltd** was in existence for the learned Tribunal to comprehensively grant a sum of Rs. 5,00,000/-. However, 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 respondent No.1/claimant is entitled to

Rs.5,00,000/- of just compensation with regard to the Second Schedule 1(a) as aforesaid which is replicated as follows: -

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

6. The respondent Nos. 1 /claimant is entitled to receive the balance amount of Rs. 5,00,000/- interest at the rate of 6% per annum from the date of filing of the claim application under Section 163A of the Motor Vehicles Act till the date of actual realization.
7. The Learned Advocate representing the appellant/insurance company submitted to have deposited a sum of Rs. 4,10,000/- in the year 2007 at the office of the learned Registrar General, High Court at Calcutta.
8. The Office of the learned Registrar General, High Court at Calcutta is to compute the accrued interest on deposited amount as aforesaid and to find out whether the cumulative sum had been in excess of Rs. 5,00,000/- along with interest at the rate of 6% per annum or not. The differential amount, if any, should be either deposited by the Learned Advocate representing the appellant/insurance company or else refunded to the Learned Advocate representing the appellant/insurance company through a cheque to be deposited at the office of the appellant/insurance company for its records.

1. The office of the Registrar General, High Court, Calcutta shall encash the cheques and, thereafter, disburse the same directly bank accounts of the present respondent Nos. 1 /claimant as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal Birbhum, Suri in MAC Case No. 82 of 2004 under Section 163A of the Motor Vehicles Act, 1988 subject to payment of ad valorem Courts fees within four weeks. The office of the learned Registrar General, High Court at Calcutta will instruct the claimants to provide details of their bank accounts with relevant documentary proof, prior to such disbursal as aforesaid.
9. The instant appeal is disposed of accordingly.
10. The interim order, if any, stand vacated.
11. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)