

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 486 of 2021

Smt. Rina Devi & Ors.

Versus

The United India Insurance Company Limited & Anr.

For the Appellants : Mr. Amit Ranjan Roy.

For the Respondents : Mr. Sanjay Paul,
Ms. Jaita Ghosh.

Heard & Judgment on : 27th January, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellants/claimants and the respondent no. 1/Insurance Company are present.
2. The instant appeal had been filed against the judgment and award dated 24.12.2019 passed by the Learned Judge, Motor Accident Claims Tribunal and Additional District Judge, 2nd Court, Asansol in M.A.C. Case No. 189/2010.

3. The learned Advocate representing the appellants/claimants submitted that the learned Tribunal in passing the impugned judgment and order had not granted the interest to be paid on the compensation amount of Rs.5,00,000/- in an application under Section 163A of the Motor Vehicles Act. The learned Tribunal had directed the compensation of Rs.5,00,000/- to be filed within two months from the date of passing of the order and, in default, to pay interest at the rate of 9% per annum from the date of passing of the award till its full realization.
4. The learned Advocate representing the respondents/Insurance Company did not dispute the occurrence of the accident, the Insurance Policy, the involvement of the offending vehicle etc. He further acceded to the submission of the learned Advocate representing the appellants/claimants that the learned Tribunal has committed an error in not granting the rate of interest upon the compensation awarded from the date of filing of the application under Section 163A of the Motor Vehicles Act till the date of its realization.
5. Since the computation of Rs.5,00,000/- as compensation by the learned Tribunal in an application under Section 163A of the Motor Vehicles Act concerning the accident resulting in the death of the victim has not been disputed, this Court restricts itself only to the extent of modifying the impugned judgment and order to

the extent that a sum of Rs.5,00,000/- is to be paid as compensation along with the interest at the rate of 6% per annum from the date of filing of the application under Section 163A of the Motor Vehicles Act till the date of its realization.

6. The learned Advocate representing the respondents/Insurance Company submits that the appellants/claimants have received a sum of Rs.5,00,000/-. The interest to be calculated upon the said sum of Rs.5,00,000/- is to be computed at the rate of 6% per annum from the date of filing of the aforesaid application till the date of its realization. The calculated amount is to be deposited before the office of the Learned Registrar General, High Court at Calcutta within six weeks from the date of passing of this order.
7. 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 the learned Judge, Motor Accident Claims Tribunal, Additional District Judge, 2nd Court, Asansol, Paschim Bardhaman in M.A.C. Case No. 189 of 2010 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
8. The instant appeal is disposed of accordingly.
9. The pending applications, if any, stands disposed of.

10. 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.