

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1131 of 2021
Tumpa Ghosh & Ors.

-Vs-

M/s. New India Assurance Co. Ltd. & Anr.

For the Appellants/claimants : Ms. Sima Ghosh

For the respondent No.1/insurance co. : Mr. Rajdeep Bhattacharya

Heard & Judgment on : 22.04. 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 9th October, 2018 passed by the learned Judge, Motor Accident Claims Tribunal, 4th Court, Berhampore, Murshidabad in MAC Case No. 531 of 2015 under Section 163A of the Motor Vehicles Act, 1988.
3. The Learned Advocate representing the appellants/claimants submitted that the Learned Tribunal had erroneously disposed of the application under Section 163A of the Motor Vehicles Act by granting compensation on the basis of the monthly income, multiplier and general damages etc. instead of granting a

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 Halder v. The New India Assurance Company Ltd.**

4. The Learned Advocate representing the respondent No.1/insurance company submitted that the Learned Tribunal had been justified in assessing the compensation award.
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 impugned judgment passed by the aforesaid tribunal is modified to the extent of Rs. 2,07,500/- (Rs.5,00,000-Rs.2,92,500/-) along with interest to be paid at the rate of 6 % per annum from the date of filing of the application i.e. 22.06.2015 till the date of its actual realization. The Learned Advocate for the appellants/claimants submitted to have received the compensation of Rs. 2,92,500/-.
7. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 2,07,500/- 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.
8. 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 as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, 4th Court, Berhampore, Murshidabad in MAC Case No. 531 of 2015 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees.
9. The instant appeal is disposed of accordingly.
10. The pending applications if any stands disposed of.
11. The TCR be sent down to the concerned Tribunal forthwith.

12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)