

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 920 of 2025

**Kalpana Mondal & Ors.
Versus
Reliance General Insurance Company Limited & Anr.**

With

FMA 958 of 2025

**Reliance General Insurance Company Limited
-Vs.-
Kalpana Mondal & Ors.**

For the Appellants/claimants : Mr. Amit Ranjan Roy

For the Respondents/Insurance Company : Ms. Gopa Das Mukherjee

Heard & Judgment on : 29th July, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondents/claimants are present.
2. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the

ground that in considering the application under Section 163A of the Motor Vehicles Act the Learned Tribunal had granted a sum of Rs.2,54,800/- instead of the comprehensive sum of Rs.5,00,000/- to be paid in disposing of an application under Section 163A of the Motor Vehicles Act.

3. Heard the submission of the Learned Advocates representing both the parties and perused the materials-on-record as well as the impugned judgment and order wherefrom it appeared that the claimants were entitled to a sum of Rs.5,00,000/- in an application filed under Section 163A of the Motor Vehicles Act. The respondents/Insurance Company is directed to deposit a sum of Rs.5,00,000/- along with interest at the rate of 6% per annum to be paid from the date of filing of the application under Section 163A of the Motor Vehicles Act till the date of its realization. The Learned Advocate representing the respondents/Insurances Company submitted to have filed a separate appeal being no. FMA/958/2025 and the contentions therein were not considered by the Learned Tribunal since an application under Section 163A of the Motor Vehicles Act pertained to a no fault liability. Moreover, the appellant/Insurance Company in FMA/958/2025 failed to produce oral as well as documentary evidence to its claim that the driving licence possessed by the driver of the offending vehicle had been invalid. It was further submitted that a sum of

Rs. 25,000/- had been deposited as statutory amount. The Learned Advocate representing the respondents/Insurance Company is to deposit the balance sum of Rs.4,75,000/- along with 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 within a period of two months. 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 disbursal of the compensation amount.

4. The Office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disbursed 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, Fast Track Court – I, Motor Accident Claims Tribunal, Howrah in MAC Case No. 47/2015 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
5. The instant appeal is disposed of accordingly.
6. The pending applications, if any, stands disposed of.

¹ 2025INSC 361

7. 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.)