

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 38 of 2021

**Maiku Mardi
Versus
State of West Bengal & Anr.**

For the Appellant : Mr. Saidur Rahaman.

For the Respondents : Mr. Tarak Karan.

Heard & Judgment on : 5th August, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/claimant and the respondents are present.
2. The instant appeal had been filed against the judgment and award dated 30.11.2019 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, 2nd Court, Raiganj, Uttar Dinajpur M.A.C. Case No. 145 of 2018.
3. The Learned Advocate representing the appellant/claimant submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal considering an application under Section 163A of the Motor Vehicles Act had erroneously granted a

sum of Rs.4,12,200/- along with an interest at the rate of 8% per annum.

4. The Learned Advocate representing the respondents/State submitted that the appellants have received the entire compensation amount without objection. Moreover, the instant appeal had been filed after a delay of 13 days which have not been explained through filing of any application. Since the appellant/claimant had already received the compensation awarded by the concerned Learned Tribunal the appellant/claimant could no longer ventilate his grievance through an appeal.
5. 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 respondents/State, this Court restricts itself only to the extent of modifying the above-mentioned issues.
6. Considered the rival contentions of the Learned Advocates representing the respective parties.
7. The record of the Memo of Appeal along with other documents revealed that the Stamp Reporter had mentioned the appeal to have been filed within time and in proper form. Accordingly, the submission of the Learned Advocate representing the State respondents that the appeal had been filed after a delay of 13

days automatically get negated. The instant appeal was filed prior to the receipt of the compensation amount awarded by the Learned Tribunal without considering the consolidated statutory amount to be paid under Section 163A of the Motor Vehicles Act. The Learned Advocate representing the State respondents did not confront the occurrence of the accident nor the concept of no fault liability.

8. Therefore, this Court restricts itself only to the extent of modifying the amount of compensation in the light of the notification dated 22nd May, 2018 and the observation of the Hon'ble Supreme Court in ***Urmila Halder v. The New India Assurance Company Ltd***¹.

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

9. The appellant/claimant is entitled to receive the amount of Rs. 5,00,000/- at the rate of 6% per cent per annum from the date of filing of the claim application till the date of actual realization.
10. The Learned Advocate for the appellant/claimant submitted that the appellants/claimant has withdrawn a sum of Rs. 4,12,000/- along with 8% interest per annum from the date of filing of the case till the date of its realization. The

¹ 2019(2)TAC 143

appellant/claimant is entitled to a further sum of Rs. 88,000/- along with 6% interest per annum to be paid from the date of filing of the application till the date of its actual realization. In view of the observation of the Hon'ble Supreme Court in *Parminder Singh -Vs.- Honey Goyal & Ors.*² the appellant/claimant are to provide the details of Bank accounts held in the name of the appellant/claimant at the office of the Learned Registrar General, High Court at Calcutta for disbursement of the compensation amount.

11. The Learned Advocate for the respondent/State is to deposit the balance sum of Rs. 88,000/- along with 6 % per cent interest per annum from the date of filing of the claim application before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order. The amount of interest to the extent of 8% per annum as granted by the Learned Tribunal is to be adjusted with that 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.
12. The office of the learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the same directly to the Bank accounts of the appellant/claimant as mentioned in the impugned judgment of the Learned Additional

² 2025 1 NSC 361

District Judge, Motor Accident Claims Tribunal, 2nd Court, Raiganj, Uttar Dinajpur in M.A.C. Case No. 145 of 2018 on proof of proper identification of the appellant/claimant subject to payment of ad valorem Court fees.

13. The instant appeal is disposed of accordingly.
14. The pending applications, if any, stands disposed of.
15. 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.)