

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 447 of 2021

Parul Sutradhar

-Vs-

The Oriental Insurance Co. Ltd. & Anr.

For the Appellant/claimant : Mr. Krishanu Banik
Mr. Tathagata Banik

For the respondent No.1/insurance co. : Mr. Parimal Kumar Pahari

Heard on & Judgment on : 2nd September, 2025

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates representing the respective parties are present in Court today.
2. The instant appeal had been filed against the judgment dated 7th February, 2019 passed by the Learned Judge, Motor Accident Claims Tribunal, Balurghat Court, Dakshin Dinajpur in MAC Case No. 153 of 2011 under Section 163A of the Motor Vehicles Act, 1988.
3. The Learned Advocates representing the appellant/claimant submitted to have filed the instant appeal exclusively on the ground that in determining the application under Section 163A of the Motor Vehicles Act. The Learned Tribunal had erroneously granted a sum of Rs. 3,26,000/- along with an interest instead of Rs.5,00,000/- as the comprehensive sum of compensation

granted 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.

4. The Learned Advocate representing the respondent No.1/insurance company did not object to the contention of the Learned Advocate representing the appellant/claimant.
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 points agitated by the Learned Advocates representing the respective parties.
6. 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 appellant/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.”

7. The impugned judgment passed by the aforesaid Tribunal is modified to the extent of Rs. Rs.5,00,000/ along with an interest to be paid at the rate of 6 % per annum from the date of filing of the application till the date of its actual realization. The Learned Advocate representing the appellant/claimant submitted to have received the compensation of Rs. 3,26,000/- along with interest. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal & Ors.¹. The appellant/claimant is to provide the details of Bank Account held in the name of the appellant/claimant at the office of the Learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.
8. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,74,000/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within four weeks from the date of passing of this order.
9. The office of the Learned Registrar General High Court at Calcutta, shall encash the cheque and thereafter disburse the entire awarded amount so deposited with accrued interest directly to the bank account of the appellant/claimant as mentioned in the impugned judgment and award passed by the Learned Judge,

¹ 2025 INSC 361

Motor Accident Claims Tribunal, Balurghat Court, Dakshin Dinajpur in MAC Case No. 153 of 2011 under Section 163A of the Motor Vehicles Act, 1988. The office of the Learned Registrar General, High Court at Calcutta will instruct the claimant to provide detail of his bank account with relevant documentary proof, prior to such disbursal as aforesaid.

10. The instant appeal is disposed of accordingly.
11. The pending applications, if any, stands disposed of.
12. The TCR be sent down to the concerned Tribunal forthwith.
13. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)