

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**FMA 692 of 2024
with
IA No: CAN 1 of 2024**

**National Insurance Company Limited
Versus
Rani Murmu & Ors.**

For the Appellant : Mr. Rajesh Singh.

For the Respondents : Mrs. Rita Bhattacharya.

Heard & Judgment on : 20th August, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/ Insurance Company and the respondents/claimants are present in Court.
2. The instant appeal had been filed against the judgment and award dated 09.01.2024 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, 1st Court, Paschim Medinipur in M.A.C. Case No. 572 of 2014.

3. The learned advocate representing the appellant/Insurance Company submitted to have filed the instant appeal on the ground that the owner of the offending vehicle did not possess a valid route permit for plying the offending vehicle being a truck bearing registration number WB-33A/2922. Moreover, in absence of any corroborative oral or documentary evidence, the monthly income of the victim had been assessed to be Rs.6,000/- who claimed to have been a helper of the truck.
4. The learned Advocate representing the respondents/claimants submitted that the claimants should not suffer for the lapse on the part of the owner of the offending vehicle who if at all allowed his vehicle to commute on a particular route without valid route permit being issued by the concerned department.
5. Since the occurrence of the accident, insurance policy, the driving licence and other ancillary issues are not disputed by the learned advocate representing the appellant/Insurance Company, this Court restrict itself only to the extent of determine the above-mentioned issues.
6. Considered the rival contentions of the learned Advocates representing the respective parties.
7. The appellant/Insurance Company did not adduce any evidence before the Tribunal that the owner of the offending vehicle did not possess a valid route permit for seeking the permission of the

concerned authority to commute his vehicle on road on a particular route. The evidence of P.W.1 being the respondent/claimant no.1 in her examination-in-chief stated that the victim had been a helper/khalasi of the offending vehicle being the truck bearing registration No.WB-33A/2922 and, therefore, his avocation could not be disbelieved. The victim being the sole earning member of the family with an income of Rs.6,000/- per month claimed by the respondents/claimants too cannot be disbelieved.

8. The learned Advocate representing the appellant/Insurance Company submitted to have deposited the entire compensation as awarded by the Learned Tribunal along with interest @ 6% per annum from the date of filing of the claim application under Section 166 of the MV Act till the date of its realization.
9. The Office of the Learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited with accrued interest directly to the Bank accounts of the respondents/claimants as mentioned by the Learned Additional District Judge, Motor Accident Claims Tribunal, 1st Court, Paschim Medinipur in M.A.C. Case No. 572/2014 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Court fees and refund the balance amount, if any, along with accrued

interest through a cheque to the Learned Advocate for the appellant/Insurance Company for the accounts of the Insurance Company. The Office of the Learned Registrar General, High Court at Calcutta will instruct the claimants to provide details of their Bank accounts 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. 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.)