

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1257 of 2024

National Insurance Co. Ltd.

vs.

Namita Maji & Ors.

Mr. Sanjay Paul : for the appellant/insurance company.

Mr. Dinendra Nath Chatterjee : for the respondents/claimants.

Mr. M. Nandy

Heard & Judgment on : 17th January, 2025.

Ananya Bandyopadhyay, J:-

1. Both the learned advocates representing the appellant/insurance company as well as respondents/claimants are present.
2. The instant appeal had been filed against judgment and award dated 3rd February, 2023 passed by the learned Judge, Motor Accident Claims Tribunal, Raghunathpur, Purulia in M.A.C. Case No. 10 of 2014 under Section 163A of the Motor Vehicles Act.
3. The Learned Advocate representing the appellant/insurance company submitted that the offending vehicle bearing registration No. WB-56F/0102 therein involved in the accident as the vehicle was seized after 80 days of the complaint and, therefore, the insurance company is not liable to pay compensation.
4. The Learned Tribunal after assessing oral as well as documentary evidence disposed of the issues framed and granted a sum of Rs. 7,25,520/- as compensation along with interest at the rate of 6% per annum to be paid from the date of filing of the claim application till the date of its actual realization.

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 appellant/insurance company, this Court restricts itself only to the extent of granting compensation considering the judgment of the Hon'ble High Court in *Urmila Halder v. The New India Assurance Company Ltd*¹. and the same being affirmed by the Supreme Court in *Special Leave Petition*² and the notification dated 22nd May, 2018, the appellants/claimants are entitled to Rs.5,00,000/- of just compensation with regard to second schedule 1(a) and notification dated 22nd May, 2018 and also the aforesaid observations of the High Court at Calcutta and the Hon'ble Supreme Court, the second schedule 1(a) is as follows: -

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

6. The respondents /claimants are entitled to receive the balance 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.
7. It was further submitted by the Learned Advocate for the appellant/insurance company that the Appellant/Insurance Company had deposited the entire awarded amount with an interest of 6 % per annum from the date of filing of the claim application i.e. 11,22,6141/- as per the challan filed by the Learned Advocate representing the Appellant/Insurance company.
8. The office of the Registrar General, High Court at Calcutta is directed to calculate the award passed by this Court today together with interest as aforesaid and disburse the same to the present

¹ 2019(2)TAC 143

respondents/claimants as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, Raghunathpur, Purulia in M.A.C. Case No. 10 of 2014 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Court's fee and refund the differential amount through a cheque to the learned advocate representing the appellant/insurance company for the accounts of the insurance company.

9. The interest generated on the sum of money deposited by the appellant/insurance company at the office of the Learned Registrar General, High Court at Calcutta which has been further deposited in the nationalized bank by the office of the Learned Registrar General, High Court at Calcutta is to be apportioned to the present respondents/claimants and the sum of interest accrued on the aforesaid amount is to be disbursed in favour of the appellant/insurance company.
10. The instant appeal is disposed of accordingly.
11. The interim order if any stand vacated.
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.

c.m.

(Ananya Bandyopadhyay, J.)

² Special Leave Petition(Civil) No. 6260 of 2019