

**In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side**

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1433 of 2024

Tapas Roy & Ors.

-vs.-

The Oriental Insurance Company Limited & Anr.

For the appellants/claimants : Mr. Jayanta Banerjee.

For the respondent no.1/insurance company. : Mr. Rajesh Singh.

Heard & Judgment on : 14th August, 2025.

Ananya Bandyopadhyay, J:-

The Learned Advocates representing the respective parties are present in Court.

The instant appeal had been preferred against the impugned judgment and award dated 11.07.2013 passed by the Learned Additional District Judge, 2nd Court, Motor Accident Claims Tribunal, Nadia, Krishnagar in MAC Case No.241 of 2011.

The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that in disposing of an application under Section 163A of the Motor Vehicles Act the Learned Tribunal had granted compensation to the extent of

Rs.1,48,500/- along with interest at the rate of 4% per annum from the date of filing of the application under Section 163A of the Motor Vehicles Act till the date of its realization. It was further submitted that appellants/claimants are entitled to sum a of Rs. 5,00,000/- in accordance with the decision of the Hon'ble High Court in Urmila Halder v. The New India Assurance Company Ltd¹. and the same being affirmed by the Supreme Court in Special Leave Petition² 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) as aforesaid is stated as follows: -

"Fatal Accidents:

Compensation payable in case of Death shall be five lakh rupees."

It was further submitted by the Learned Advocate representing the appellants/claimants that the award of Rs.1,48,500/- granted by the Learned Tribunal had not been deposited by the respondents/Insurance Company till date.

The Learned Advocate representing the respondents/Insurance Company controverted the submission of the Learned Advocate

¹ 2019(2)TAC 143

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

representing the appellants/claimants further emphasizing that the Learned Tribunal was justified in passing the impugned Judgment and order.

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/Insurance Company, this Court restricts itself only to the extent of modifying the above-mentioned issues.

Considered the rival contentions of the Learned Advocates representing the respective parties.

The accident occurred on 30.12.2010 and the impugned Judgment and order was delivered on 11.07.2013. The Learned Tribunal did not have the scope to consider the aforesaid Notification as well as the decision of the Hon'ble Supreme Court since the impugned Judgment and Order was pronounced much prior to the date of issuance of the Notification as well as the pronouncement of the aforesaid Judgment. The Learned Advocate representing the respondents/Insurance Company is to check with the records of the respondents/Insurance Company as to whether the sum of Rs.1,48,500/- along with the interest as granted by the Learned Tribunal had been disbursed in favour of the appellants/claimants or not. If the same had not been disbursed till date, the entire amount of Rs.5,00,000/- 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 is to be deposited before the office of the Learned Registrar General, High Court, Calcutta within two months from the dates of passing of this order.

In view of the observation of the Hon'ble Supreme Court in ***Parminder Singh –Vs.- Honey Goyal & Ors.***³ 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.

The Office of the Learned 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 Judge, 2nd Court, Motor Accident Claims Tribunal, Nadia, Krishnagar in MAC Case No. 241/2011 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.

The instant appeal is disposed of accordingly.

The TCR be sent down to the concerned tribunal forthwith.

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.)

³ 2025 INSC 361