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Form No. J(2)

District: Paschim Medinipur

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction

Appellate Side

Present :

The Hon'ble Justice Ananya Bandyopadhyay

FMA 90 of 2023

FUTURE GENERALI INDIA INSURANCE COMPANY LIMITED.
VS.
ANAMIKA RANA & ORS.

Ms. Sayanti Santra
… for the appellant/Insurance Company
Mr. Amit Ranjan Roy
… for the respondents/claimants

Heard on & Judgment on : 22.09.2025

Ananya Bandyopadhyay J.

1. The Learned Advocates representing both the parties are present in court.

2. The instant appeal had been filed against the judgment and order dated 11.05.2022 passed by the Learned Judge, Motor Accident Claims Tribunal, Paschim Medinipur in MAC Case No.268 of 2016.

3. The Learned Advocates representing appellant/Insurance company submitted to have filed the instant appeal on the ground that the Insurance Policy relied upon by the owner of the offending

vehicle seized by the Investigating Officer as per the charge sheet had been forged. It was further submitted that certain documents relating to the original Insurance policy claimed to have seized by the appellant Insurance Company along with the acknowledgement receipt etc. had to be brought on record.

4. The Learned Advocate representing the respondents/claimants submitted that the issue of authenticity of the Insurance Policy had been dealt with by the Learned Tribunal in the impugned judgment and order vividly wherefrom it would transpire the slackened attitude of the appellant Insurance Company to claim the Insurance policy to have been forged by the owner of the offending vehicle to cast liability upon the appellant/Insurance Company to pay the compensation abdicating responsibility of the owner offending vehicle to have paid for the compensation awarded.

5. Considered the rival contention of the Learned Advocate representing both the parties.

6. The accident occurred on 02.04.2016 and the Insurance Policy which was seized after the occurrence of the accident mentioned the Policy coverage from 00:00 hours on 04.04.2016 to 03.04.2017. The Learned Tribunal had discreetly discerned the distinguishing factor between the policy claimed to have been forged by the appellant/Insurance Company. The appellant Insurance Company did not raise the issue of such forged insurance policy in the written statement or thereafter prior to the submission of the

charge sheet. Moreover, a complaint had been lodged in the name of an unknown person despite the fact that the original Insurance Policy claimed to have been issued by the appellant Insurance Company was favoured in the name of owner of the offending vehicle. The name of the owner of the offending vehicle had been unknown to the appellant Insurance Company which could have been mentioned in the complaint lodged by the appellant Insurance Company. However, the reason that prevented the appellant/Insurance Company to name the owner of the offending vehicle to have forged the Insurance Policy become desire and unfathomable. The date on which the Insurance Policy was issued did not mention the date on which the premium for issuance of the same had been received when the same was seized from the owner of the offending vehicle by the Investigating Officer. The narrative and the reasons cited by the Learned Tribunal in the impugned judgment and order have been exhaustive and reasoned. This court under such circumstances is not inclined to interfere with the same. However, the amount of Rs.44,000/- granted towards parental consortium which has been given in excess should have been deducted.

7. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 17,39,668/=(Rs. 25,000 + 17,14,668/-) through two separate cheques as per challan filed by the Learned advocate representing the appellant/insurance company.

8. 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 respondent Nos. 1 to 4/claimants as mentioned in the impugned judgment and award passed by the Learned Judge, Motor Accident Claims Tribunal, Paschim Medinipur in MAC Case No.268 of 2016 on proof of proper identification of the respondent No.1 to 4/claimants subject to payment of ad valorem Court fees and refund the differential amount if any, to the Learned Advocate representing the appellant insurance company for the accounts of the appellant/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.

9. The instant appeal is dismissed accordingly.

10. The pending applications, if any, stands disposed of.

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.

(Ananya Bandyopadhyay, J.)