

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

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 849 of 2024

Bilaet Hossain Mondal & Anr.

-VS.-

The National Insurance Company Limited & Anr.

For the appellants/claimants : Mr. Amit Ranjan Roy.

For the respondent no.1/insurance company. : Mr. Deb Narayan Roy.

Heard & Judgment on : 21st April, 2025.

Ananya Bandyopadhyay, J:-

The learned advocates representing the respective parties are present.

The instant appeal had been preferred against the impugned judgment and award dated 31.01.2018 passed by the learned Judge, 4th Court, Motor Accident Claims Tribunal, Krishnagar, Nadia in MAC Case No.156 of 2006.

An application under Section 163A of the Motor Vehicles Act had been filed by the appellants/claimants seeking compensation on account of the death of the victim in an accident, which occurred on 21.08.2005 at about 19:00 hours with the involvement of the offending vehicle bearing Registration No.WB-03A/0042, which hit the victim from behind as a result of which the victim sustained serious injury upon his body and was admitted to Nadia District Hospital and being referred was shifted to N.R.S. Medical College and Hospital where he died.

The learned advocates representing both the parties submitted that the learned Tribunal disregarding the notification dated 22nd May, 2018 and the decisions of the Hon'ble Supreme Court in Urmila Haldar Vs. The New India

Assurance Company Ltd.¹ has granted compensation contravening the consolidated sum of Rs.5,00,000/- to be paid.

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 extent of modifying the compensation award in favour of the appellants/claimants considering 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 appellants/claimants are entitled to Rs.5,00,000/- of just compensation with regard to the second schedule 1(a) which is replicated as follows: -

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

The impugned judgment passed by the aforesaid tribunal is modified to the extent of Rs. 1,35,500/- (Rs.5,00,000-Rs.3,64,500/-) along with 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 for the appellants/claimants submitted to have received the compensation of Rs. 3,64,500/-.

The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,35,500/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order.

¹ 2019(2) TAC 143

On receipt of the said amount, the office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants as mentioned in the award passed by the learned Judge, 4th Court, Motor Accident Claims Tribunal, Krishnagar, Nadia in MAC Case No. 156 of 2006 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees.

The instant appeal is disposed of accordingly.

The pending applications, if any, stands disposed of.

The TCR be sent down to the concerned Tribunal forthwith.

(Ananya Bandyopadhyay, J.)

Srimanta, A.R.(Ct.)