

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 763 of 2024

**Purnima Jana (Maity) @ Purnima Maiti & Ors.
Versus
Bajaj Allianz General Insurance Company Ltd. & Anr.**

For the Appellant : Mr. Jayanta Kumar Mondal
Mr. Sayantan Rakshit.

For the Respondent No.1/
Insurance co. : Mr. Soumalya Ganguly.

Heard & Judgment on : 13th March, 2025.

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal has been filed against the judgment and award dated 31st January, 2024 passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, Fast Track Court-II, Tamluk, Purba Medinipur in M.A.C. Case No. 295 of 2019.
3. The Learned Advocate representing the appellants/claimants submits although the instant appeal based on the limited issues.

The learned Tribunal having failed to grant the rate of interest on the compensation award by the same from the date of filing of the claim application under Section 166 of the Motor Vehicles Act till the date of its realization.

4. The learned Advocate representing the respondent No.1/Insurance Company vividly opposed the contention of the learned advocate representing the appellants/claimants.
5. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues have not been disputed by the learned advocate representing the respondent No.1/insurance company, this Court restricts itself only to the extent of 6% interest per annum from the date of filing of the claim application under Section 166 Motor Vehicles Act till the date of its realization.
6. The Learned Advocate representing the respondent No.1/insurance company submits that the awarded amount along with interest at the rate of 6% per cent from the date of recording of the evidence i.e. 16.02.2023 till its actual realization before the Learned Tribunal has been received by the claimants. It seems is to be disbursed from the date of filing of the claim application till the date of recording evidence before the office of the learned Registrar General, High Court Calcutta within four weeks from the date of passing of this order.

7. 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 passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, Fast Track Court-II, Tamluk, Purba Medinipur in M.A.C. Case No. 295 of 2019 on proof of proper identification of the appellant/claimant subject to payment of ad valorem Court's fees.
8. The instant appeal is disposed of accordingly.
9. The pending applications if any stands disposed of.
10. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)