

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 953 of 2022

Safikul Sk. & Anr.

-Vs-

M/s. National Insurance Co. Ltd. & Anr.

For the Appellants/claimants : Ms. Sima Ghosh

For the respondent No.1/insurance co. : Mr. M.P. Chakraborty
Ms. Ratnadipa Karmakar

Heard on & Judgment on : 10.06.2025

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates for the appellants/claimants as well as the respondent No.1/insurance company are present.
2. The instant appeal had been filed against the judgment dated 10th March, 2022 passed by the learned Judge, Motor Accident Claims Tribunal cum Judge, Special Court (E.C. Act), Berhampore, Murshidabad in MAC Case No. 77 of 2018 under Section 163A of the Motor Vehicles Act, 1988.
3. The Learned Advocates representing the appellants/claimants as well as respondent No.1/insurance company conjointly submitted that in an application under Section 163A of the Motor Vehicles Act which had been filed, the learned Tribunal had erroneously granted a sum of Rs. 1,80,000/- along with an interest at the rate

of 5% to be paid from the date of filing of the claim application under Section 163A of the Motor Vehicles Act till the date of its realization.

4. 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 agitated by the learned Advocates representing the respective parties.
5. In view of 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) as aforesaid which is replicated as follows: -

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

6. The impugned judgment passed by the aforesaid tribunal is modified to the extent of Rs. Rs.5,00,000/ 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. 1,80,000/-.

7. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 3,20,000/- 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.
8. 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, Motor Accident Claims Tribunal cum Judge, Special Court (E.C. Act), Berhampore, Murshidabad in MAC Case No. 77 of 2018 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees.
9. The instant appeal is disposed of accordingly.
10. The pending application stands disposed of.
11. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)