

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 997 of 2023

**Sushanta De
Versus
National Insurance Company Ltd. & Anr.**

For the Appellant : Mr. L.M. Ghosh.

For the Respondent No.1/
Insurance co. : Mr. Parimal Kumar Pahari.

Heard & Judgment on : 21st January, 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 30th January, 2023 passed by the learned Judge, Motor Accident Claims Tribunal, 11th Bench, City Civil Court, Calcutta in M.A.C. Case No. 117 of 2014.
3. Learned Advocate representing the appellant/claimant submitted that the learned Tribunal had erroneously granted the interest at the rate of 6 % per cent per annum to be computed from the

date of recording of evidence till the date of its actual realization contrary to the statutory provisions to disburse the same from the date of filing of the application under Section 166 of the Motor Vehicles Act till the date of its actual realization.

4. The learned Advocate representing the respondent No.1/Insurance Company confronted the submissions of the learned Advocate representing the appellant/claimant.
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 rectifying the point of interest granted by the Learned Tribunal in appreciating the impugned judgment and order the awarded sum of compensation by the Learned Tribunal will carry an interest at the rate of 6% per cent per annum from the date of filing of the claim application under Section 166 i.e. 3rd April, 2014 till the date of its actual 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 till its actual realization before the Learned Tribunal has been received by the claimant. It seems is to be disbursed from the date of filing of the claim application till the date of recording evidence i.e.

04.09.2018 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 appellant/claimant as mentioned in the award passed by the passed by the learned Judge, Motor Accident Claims Tribunal, 11th Bench, City Civil Court, Calcutta in M.A.C. Case No. 117 of 2014 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. The TCR be sent down to the concerned Tribunal forthwith.
11. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)