

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1075 of 2022

Bakul Sekh & Anr.

-Vs-

The New India Assurance Co. Ltd. & Anr.

For the Appellants/claimants : Ms. Sima Ghosh

For the respondent No.1/insurance co. : Mr. Sanjay Paul

Heard on & Judgment on : 2nd September, 2025

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates respective parties are present in Court today.
2. The instant appeal had been filed against the judgment dated 17th March, 2022 passed by the Learned Judge, Motor Accident Claims Tribunal, 3rd Court, Berhampore at Murshidabad in MAC Case No. 32 of 2018 under Section 163A of the Motor Vehicles Act, 1988.
3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal in disposing of an application under Section 163A of the Motor Vehicles Act had granted a sum of Rs. 1,65,000/- along with an interest at the rate of 6% per

annum from the date of filing of the application as aforesaid till the date of its realization.

4. The Learned Advocate representing the respondent No.1/insurance company did not object to the contention of the Learned Advocate representing the appellants/claimants.
5. 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 points agitated by the Learned Advocates representing the respective parties.
6. The accident occurred on 12th December, 2017 and the impugned judgment and order was pronounced on 17th March, 2022 and the Learned Tribunal had the occasion to consider 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.”

7. The impugned judgment passed by the aforesaid Tribunal is modified to the extent of Rs. Rs.5,00,000/ along with an 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 representing the appellants/claimants submitted to have received the compensation of Rs. 1,65,000/- along with interest. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal & Ors.¹. The appellants/claimants are to provide the details of Bank Account held in the name of the appellants/claimants at the office of the Learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.
8. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 3,35,000/- along with interest at the rate of 6% per annum from the date of filing of the claim application i.e. 24.01.2018 before the office of the learned Registrar General, High Court Calcutta within four weeks from the date of passing of this order.
9. The office of the Learned Registrar General High Court at Calcutta, shall encash the cheque and thereafter disburse the entire awarded amount so deposited with accrued interest directly to the bank accounts of the appellants/claimants as mentioned in

¹ 2025 INSC 361

the impugned judgment and award passed by the Learned Judge, Motor Accident Claims Tribunal, 3rd Court, Berhampore at Murshidabad in MAC Case No. 32 of 2018 under Section 163A of the Motor Vehicles Act, 1988. 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.

10. The instant appeal is disposed of accordingly.
11. The pending applications, if any, stands disposed of.
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.)