

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 954 of 2024

**ICICI Lombard General Insurance Company Limited
Versus
Chhanda Mahata & Ors.**

For the Appellant : Mr. Parimal Kumar Pahari

For the Respondent Nos. 1 to 5: Mr. Jayanta Kumar Mondal
Mr. Sayantan Rakshit.

For the Respondent No.6 : Mr. Santash Kumar Chakraborty

Heard & Judgment on : 2nd May, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company, the respondent Nos. 1 to 5/claimants and respondent No.6 are present.
2. The instant appeal had been filed against the judgment and award dated 16th April, 2024 passed by the Learned Judge, Motor Accident Claims Tribunal and Additional District Judge, Fast Track

Court 2nd Court at Paschim Medinipur in M.A.C. Case No. 429 of 2020.

3. The learned Advocate representing the appellant/Insurance company stated to have filed the instant appeal exclusively on the ground that the charge-sheet was marked as Ex.2 had mentioned the driving license issued in favour of the driver of the offending vehicle with two numbers. Firstly, which had been described in column number 11 of the charge-sheet to be WB-3320020017834 and secondly in the brief facts of the case to have been WB-4920170006841. The learned Advocate representing the appellant/insurance company stated that the anomaly with regard to the number of the driving licence issued in favour of the driver of the offending vehicle did not cast any liability on the appellant/insurance company to defray the compensation amount.
4. The learned Advocate representing the respondent Nos. 1 to 5/claimants submitted that the disputes between the appellant/insurance company and the owner of the offending vehicle should not affect the right of the respondents/claimants absorbing from their entitlement to the same.
5. Considered the submissions of the learned Advocates representing respective parties.

6. Perusal of the documents on record revealed that the document marked as Ext. 12 to be the charge-sheet did state two distinct numbers of driving licence as mentioned above. However, the deposition of OPW.1 stated that the driving licence bearing No. 4920170006841 was valid from 07.03.2017 to 06.03.2037 to have issued in favour of the driver of the offending vehicle authorized him to drive light motor vehicle. The driving licence so issued by the concerned Motor Vehicles Department had been marked as Ext. B apparently. There had been a typographical error to state different numbers pertaining to the driving licence in the column 11 of the charge-sheet. Since the number of the number of the driving licence as mentioned under heading of brief facts in the charge-sheet marked as Ext. 12 at list that of the document marked as Ext. B it can be conclusively stated that the driver of the offending vehicle was issued with the diving licence bearing No. 4920170006841. Under such circumstances, this Court is not inclined to interfere with the impugned judgment and order.
7. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 24,04,361/=(Rs. 25,000 + 23,79,361) through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company.

8. The Respondent Nos. 1 to 5/claimants are entitled to receive the amount of Rs. 19,60,000/- at the rate of 6% per cent per annum from the date of filing of the claim application i.e. 01.10.2020 till the date of actual realization.
9. The office of the learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited along with accrued interest to the present respondent Nos. 1 to 5/claimants as mentioned in the impugned judgment and order passed by the Learned Judge, Motor Accident Claims Tribunal and Additional District Judge, Fast Track 2nd Court at Paschim Medinipur in M.A.C. Case No. 429 of 2020 on proof of proper identification of the respondent No.1 to 5/claimants subject to payment of ad valorem Court fees within four weeks.
10. The instant appeal is dismissed 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.)