

19.08.2025
Ct. No.33
Sl. No.9
cm

FMAT(MV) 350 of 2025
CAN 1 of 2025

Bibha Maity & Ors.
Vs.
National Insurance Co. Ltd. & Anr.

Mr. Amit Ranjan Roy
... for the appellants/claimants

Mr. Rajesh Singh
... for the respondent No.1/insurance co.

In RE: CAN 1 of 2025

The learned advocates representing the appellants/claimants as well as respondent No.1/insurance company are present.

The application being CAN 1 of 2025 under Section 5 of the limitation Act has been taken up for hearing. From the record it reveals that there is a delay of 407 days.

Considering the averments made in Paragraph 5 to 8 of the CAN application being 1 of 2025 and in view of the beneficial legislative intent the delay of 407 days in filing the instant case is condoned.

The application being CAN 1 of 2025 is allowed.

Heard the submissions of the learned advocates representing both the parties.

The impugned judgment pronounced by the Judge, Motor Accident Claims Tribunal, Fast Track Court-II, Howrah in M.A.C.C. No. 73 of 2015 dated

21st February, 2024 is modified to the following extent:

a) Hence, the minor children of the deceased will get Rs. 4,22,000/- as compensation whereas, the wife and mother of the deceased will get Rs. 3,00,000/- each compensation for the death of the victim by motor accident along with an interest @ 6% per annum from 20.03.2015 till the date of payment.

Thus all issues are disposed of accordingly.

b) The claimant No.1 Bibha Maity wife of the deceased and claimant no.2 Jogmaya Maity- mother of the deceased will get Rs. 3,00,000/- each and claimant No.3 Rajlakshi Maity minor daughter of the deceased along with interest @ 6% per annum from the date of filing i.e. 20.03.2015 till the date of payment.

The other portion of the impugned judgment and order passed by the aforesaid learned Tribunal remained unaltered.

Accordingly, the instant appeal is disposed of.

Copy of the order be sent to the Department for information and necessary action.

(Ananya Bandyopadhyay, J.)