

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 674 of 2022

Mafijuddin Sk. & Anr

v.

United India Insurance Co. Ltd. & Anr.

Ms. Sima Ghosh ... for the appellants/claimants.

Mr. Rajesh Singh ... for the respondent no.1/insurance company.

Heard & Judgment on: 30th July , 2025.

Ananya Bandyopadhyay, J:-

1. The Learned Advocates representing the respective parties are present in Court.
2. The instant appeal had been preferred against the impugned judgment and award dated 2nd February, 2021 passed by the Learned Judge, Motor Accident Claims Tribunal, Barhampur, Murshidabad in MAC Case No.42 of 2017 under Section 163A of the Motor Vehicles Act.
3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground of error on the part of the Learned Tribunal in awarding a sum of

Rs. 1,60,000/- instead of Rs. 5,00,000/- in an application filed under Section 163A of the Motor Vehicles Act.

4. The Learned Advocate representing the respondent No.1/insurance company refuted the contentions of the learned Advocate representing the appellants/claimants conceded to the justification of the impugned judgment and order
5. Considered the rival contentions of the respective parties.
6. Since, the occurrence of the accident, involvement of the offending vehicle, 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. Section 163A of the Motor Vehicles Act states as follows: -

“Notwithstanding anything contained in this Act or in any other law for the time being in force or instrument having the force of law, the owner of the motor vehicle or the authorised insurer shall be liable to pay in the case of death or permanent disablement due to accident arising out of the use of motor vehicle, compensation, as indicated in the Second Schedule, to the legal heirs or the victim, as the case may be”.

In view of the statutory provisions in second schedule as aforesaid the appellants/claimants are entitled to a sum of Rs. 5,00,000/- along with 6% interest per annum to be paid from the date of filing of the application under Section 163A of the Motor Vehicles Act till the date of its actual realization. The Learned Advocate for the appellants/claimants submitted to have received the compensation of Rs. 1,60,000/-.

7. 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 Accounts 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. 3,40,000/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within 12 weeks from the date of passing of this order.
9. 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 directly to the bank accounts of the present appellants/claimants as mentioned in the award passed by the Learned Judge, Motor Accident Claims Tribunal, Barhampur, Murshidabad in MAC Case No.42 of 2017 under Section 163A of the Motor Vehicles Act on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees.
10. The instant appeal is disposed of accordingly.
11. The pending applications if any stands disposed of.

¹ 2025 INSC 361

12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

c.m. Ar. Ct.