

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay
FMA 1040 of 2024

National Insurance Co. Ltd.
-Vs-
Nitu Devi & Anr.

For the appellant/insurance company. : Mr. M.P. Chakrabarty

For the respondents/claimants : Mr. Jayanta Kumar Mondal
Mr. Sayantan Rakshit

Heard & Judgment on : 17.01.2025

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates for the appellant/insurance company as well as the respondents/claimants are present.
2. The instant appeal had been filed against the judgment dated 22nd March, 2024 passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District Judge (3rd Court Howrah) in MAC Case No.57 of 2013 under Section 163A of the Motor Vehicles Act, 1988.
3. The Learned Tribunal after disposing of the issues framed upon consideration of both oral and documentary evidences granted a

compensation of Rs. 6,43,504/- along with interest at the rate of 9% per annum from the date of filing of the petition till the date of realization.

4. The learned Advocate representing the respondents/claimants submitted that the Learned Tribunal had erroneously granted a sum of Rs. 6,43,504/- instead of the consolidated sum of Rs. 5,00,000/-to be paid in case of a claim application filed under Section 163-A of the Motor Vehicle Act in view of the notification dated 22nd May, 2018 as well as a decision of the Hon'ble Supreme Court in Urmila Halder.
5. The Learned Advocate representing the appellant/insurance company accepted the contention of the learned Advocate representing the respondents/claimants. The Learned Advocate representing the respondents/claimants were entitled to claim of Rs. 5,00,000/- as consolidated to the compensation awarded in terms of the notification dated 22nd May, 2018 and the observation of the Hon'ble Supreme Court in Urmila Halder vs. The New India Assurance Company Ltd¹.
6. 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 appellant/insurance company, this Court restricts itself only to the extent of granting compensation considering the judgment of the

Hon'ble High Court in Urmila Halder v. The New India Assurance Company Ltd². and the same being affirmed by the Supreme Court in Special Leave Petition³ and the notification dated 22nd May, 2018, the appellants/claimants are entitled to Rs.5,00,000/- of just compensation with regard to second schedule 1(a) and notification dated 22nd May, 2018 and also the aforesaid observations of the High Court at Calcutta and the Hon'ble Supreme Court, the second schedule 1(a) is as follows: -

*“Fatal Accidents:
Compensation payable in case of
Death shall be five lakh rupees.”*

7. The respondents/claimants are entitled to receive the balance amount of Rs. 5,00,000/- along with interest at the rate of 6% per cent per annum from the date of filing of the claim application under Section 163A of the Motor Vehicles Act till the date of actual realization.
8. It was further submitted by the Learned Advocate for the appellant/insurance company that the Appellant/Insurance Company had already deposited the entire awarded sum of Rs.10,56,792/-. The same must have carried some interest.
9. The office of the Registrar General, High Court, Calcutta shall encash the cheque and thereafter disburse the same to the present

¹ 2019(2)TAC 143

² 2019(2)TAC 143

³ Special Leave Petition(Civil) No. 6260 of 2019

respondents /claimants in equal share as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District Judge (3rd Court Howrah)in M.A.C. Case No. 57 of 2013 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Courts fees and refund the differential amount through a cheque to the learned advocate representing the appellant/insurance company for the accounts of the insurance company.

10. The interest generated on the sum of money deposited by the appellant/insurance company at the office of the Learned Registrar General, High Court at Calcutta which has already been deposited in the nationalized bank by the office of the Learned Registrar General, High Court at Calcutta is to be apportioned and the sum of interest accrued on the aforesaid amount is to be disbursed in favour of the appellant/insurance company.
11. The instant appeal is disposed of accordingly.
12. The interim order if any stand vacated.
13. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)