

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

**Present:**

**The Hon'ble Justice Ananya Bandyopadhyay**

**F.M.A 1042 of 2023**

**National Insurance Company Ltd.**

**-Vs-**

**Minati Chakraborty & Anr.**

For the Appellant/Insurance Company : Mr. Sanjay Paul

For the Respondent No.1/claimant : Mr. Saswata Bhattacharyya

Heard and Judgment on : 07/05/2025

**Ananya Bandyopadhyay, J.:-**

1. The instant appeal was heard earlier and judgment was reserved. However, the matter was listed under the heading "*For Hearing*" for further clarification.
2. The learned advocates representing both the parties are present.
3. The respondent no.1/claimant being the victim of the accident filed an application under Section 166 of the M.V. Act in the Court of the Motor Accident Claims Tribunal & Additional District Judge, Fast Track Court-V, Alipore, 24 Parganas being MAC Case No. 530/2019 claiming an award of Rs. 3,00,000/- as well as interest and medical costs whereby the aforesaid deceased expired due to a road traffic accident on 09/12/17 at about 5:20 pm. The offending vehicle, bearing Registration No. WB-19H/4404 rashly

and negligently hit the aforesaid victim who was riding in a taxi. Subsequently, based on a complaint, New Alipore P.S. Case No. 335/17 dated 09.12.2017 was instituted against the driver of the offending vehicle as aforesaid.

4. The owner of the offending vehicle appeared and filed a written statement but did not contest the case, thus the case was conducted ex parte against him.
5. The respondent, National Insurance Company Ltd. contested the aforesaid MAC case.
6. The Learned Tribunal as aforesaid disposed of the issues framed considering the oral as well as documentary evidences and awarded a sum of Rs. 2,73,371/- plus interest at the rate of 6% per annum.
7. Heard the submissions of the learned advocates representing the respective parties and considered the materials on record.

10 The occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues are not disputed as per the record contrary to the claim of the learned advocate representing the appellant/insurance company that the driver of the insured offending vehicle did not possess any valid driving licence, route permit etc. since, the seizure list marked as Exhibit 2 mentioned the seizure of the driving licence in the name of the driver of the offending vehicle, the route permit to have been valid till 24/09/2022. The insurance policy to be valid till 29/03/2018. The learned Tribunal taking into consideration all the relevant aspects had computed the compensation, which should not be interfered with.

11. The learned Advocate representing the appellant/Insurance Company submitted to have deposited the entire awarded amount at the office of the learned Registrar General, High Court at Calcutta.
12. 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 No.1 /claimant as mentioned in the impugned judgment dated 3<sup>rd</sup> May, 2023 passed by the Motor Accident Claim Tribunal & Additional District Judge, Fast Track Court-V, Alipore, 24 Parganas (South) in MAC Case No.530 of 2019 on proof of proper identification of the respondent No.1 /claimant subject to payment of ad valorem Court fees and refund the balance amount, if any, through a cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company.
13. The instant appeal is disposed of.
14. The pending applications, if any, stands disposed of.
15. The TCR be sent down to the concerned Tribunal forthwith.
16. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible for information.

**(Ananya Bandyopadhyay, J.)**

S.R. (ARC)