

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1148 of 2024

United India Insurance Company Ltd.

v.

Dulan Ankure & Ors.

For the Appellant/
Insurance Company

: Mr. Sanjay Paul
Ms. Jaita Ghosh

For the Respondents/
Claimants

: Mr. Ali Imam Shah

Heard on

: 28th February, 2025

Judgment on

: 2nd April, 2025.

Ananya Bandyopadhyay, J:-

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been preferred against the impugned judgment and award dated 4th April, 2024 passed by the Learned Motor Accident Claims Tribunal, 2nd Court, Suri, Birbhum in MAC Case No.39 of 2014.
3. An application under Section 163A of the Motor Vehicles Act had been filed by the respondent Nos.1 to 5/claimants on account of the death of the victim due to an accident, which occurred on 17th September, 2013 at about 13.00 hours with the involvement of one motorcycle bearing

registration No.WB-54K/7635, which approached from Rabindrapally towards Suri-Dubrajpur Road near Pirtala under Suri Municipality at high speed rash and negligently manner and collided with the victim's motorcycle bearing Registration No.WB-54J/9121, who suffered grievous injuries and succumbed to the same at S.S.K.M. Hospital, Kolkata on 20th September, 2013.

4. The Learned Advocate representing the appellant/insurance company submitted that the multiplier method was not considered by the Learned Tribunal while assessing the compensation. However, a composite sum of Rs.5,00,000/- was granted along with an interest at the rate of 9% per annum from the date of filing this case and increased 5% of compensation amount per year from 25th April, 2019 to till the final realization of the compensation amount of the Motor Vehicles Act, which was excessive.
5. The Learned Advocate representing the respondent Nos. 1 to 5/claimants submitted that in view of the notification dated 22nd May, 2018 as well as the observation of the Hon'ble Supreme Court in **Hon'ble High Court in Urmila Halder v. The New India Assurance Company Ltd**, the respondent Nos. 1 to 5/claimants are entitled to a sum of Rs.5,00,000/- as rightly assessed by the Learned Tribunal.
6. Since, the occurrence of the accident, involvement of the offending vehicle, the driving license, Insurance certificate etc. are not 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 Ltd¹. and the same being affirmed by the Supreme Court in Special Leave Petition² and the notification dated 22nd May, 2018, the respondent Nos. 1 to 5/claimants are entitled to Rs.5,00,000/- as 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. It was further submitted by the Learned Advocate for the appellant/insurance company that the Appellant/Insurance Company submits to have deposited a sum of Rs. 8,78,050/-=(Rs. 25,000 + Rs. 8,53,050/-) 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 balance amount of Rs. 5,00,000/- interest at the rate of 6% 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.

9. The office of the Registrar General, High Court, Calcutta shall encash the cheques and, thereafter, disburse the same to the present respondent Nos. 1 to 5 /claimants in equal share, as mentioned in the award passed by the Learned Motor Accident Claims Tribunal, 2nd Court, Suri, Birbhum in MAC Case No.39 of 2014 on proof of proper identification of the respondent Nos. 1 to 5/claimants subject to payment of ad valorem Courts fees and refund the amount, if any, through a cheque to the Learned Advocate representing the appellant/insurance company for the accounts of the insurance company.

¹ 2019(2)TAC 143

² Special Leave Petition(Civil) No. 6260 of 2019

10. The interest generated on the sum 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.)

S.R.