

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

**FMA 56 of 2022
With
CAN 3 of 2022
And
CAN 4 of 2025**

**Bajaj Allianz General Insurance Co. Ltd.
v.
Rinku Rani Hazra & Ors.**

For the Appellant/
Insurance company : Mr. Soumalya Ganguli

For the respondents/
claimants : Mr. Amit Ranjan Roy

Heard on & Judgment on : April 21, 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 8th February, 2021 passed by the Learned Motor Accident Claims Tribunal cum Additional District Judge, 2nd Court, Katwa in MAC Case No.07 of 2014.
3. The Learned Advocate representing the appellant/insurance company submitted to have filed an application being CAN 4 of 2025 stating that the

offending vehicle as per the Certificate Cum Policy Schedule was not insured under the appellant/insurance company and sought for exoneration.

4. The Learned Advocate representing the respondents/claimants filed a supplementary affidavit stated that the involvement of the offending vehicle being a Bus bearing registration No. WB 41/3939 had been considered to have caused an accident on 9th November, 2010 at about 7.45 p.m. on Bolpur-Katwa Road near Bhulkuri Bus Stand within the jurisdiction of Ketugram Police Station in the district of Burdwan.

5. The Learned Advocate representing the respondents/claimants further submitted that two claim applications arising of the self-same accident being MAC Case No.24 of 2014 and MAC Case No.50 of 2014 had been disposed of by the Learned Motor Accident Claims Tribunal cum Additional District Judge, 2nd Court, Katwa, considering the rival submissions of the learned advocates representing both the parties and the materials on record, including the charge-sheet where the driver of the offending vehicle was charge sheeted against the offending vehicle being a Bus bearing registration No. WB 41/3939.

6. Accordingly, the contention of the Learned Advocate representing the appellant/insurance company is negated and the order of the learned Tribunal dated 8th February, 2021 is to be modified.

7. The Learned Advocate representing the respondent Nos. 1 to 4/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 4/claimants are entitled to a sum of Rs.4,63,500/- as rightly assessed by the Learned Tribunal.

8. 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 to the tune of Rs. 5,00,000/- in view of the notification dated 22nd May, 2018 and the decisions of the Hon'ble Supreme Court in Urmila Halder Vs. The New India Assurance Company Ltd and the aforesaid observations of the High Court at Calcutta and the Hon'ble Supreme Court, the second schedule 1(a) which is replicated as follows: -

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

9. 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. 7,68,539/-(Rs. 25,000 + Rs. 7,43,539/-) through two separate cheques as per challan filed by the Learned Advocate representing the appellant/insurance company.

10. The respondent Nos. 1 to 4/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.

11. 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 4

/claimants in equal share, as mentioned in the award passed by the Learned Motor Accident Claims Tribunal cum Additional District Judge, 2nd Court, Katwa in MAC Case No.07 of 2014 on proof of proper identification of the respondent Nos. 1 to 4/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.

12. 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.

13. The instant appeal is disposed of accordingly.

14. Pending applications, if any, stands disposed of.

15. The interim order if any stand vacated.

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

(Ananya Bandyopadhyay, J.)

S.R.