

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1356 of 2024

**The Oriental Insurance Company Limited
Versus
Chandana Bittar & Ors.**

For the Appellant : Mr. Rajesh Singh.

For the Respondents : Mr. Ali Imam Shah.

Heard & Judgment on : 17th March, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondents/claimants are present.
2. The instant appeal had been filed against the judgment and award dated 20.05.2024 passed by the Learned Judge, Motor Accident Claims Tribunal 2nd Court, Suri, Birbhum in M.A.C. Case No. 32/2018.
3. An application under Section 163A of the Motor Vehicles Act had been filed by the claimants seeking compensation owing to the death of the victim in an accident which occurred on 30.12.2014 at about 16:00 hrs. with the involvement of the offending vehicle being

a 407 truck bearing registration no. WB 25A/7007 which recklessly proceeded towards Suri from Karidhyagram and hit the victim from behind at Barabagan near gas godown. The victim expired at Suri Sadar Hospital.

4. The Learned Advocate representing the appellant/Insurance Company submitted to have filed the instant appeal as the learned Tribunal directed the appellant/Insurance Company to pay a sum of Rs.5,00,000/- along with interest as an increased amount and cost of litigation as aforesaid by issuing account payee cheques in equal share in the name of respondents/claimants, as aforesaid, within two months from date.
5. The learned Advocate representing the respondents/claimants submitted that the learned Tribunal was justified in passing the impugned judgment and order.
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 modifying the amount of compensation as assessed by the learned Tribunal. Considering the submissions of the learned Advocate representing the respective parties, considering the intent of notification dated 22.05.2018 and the observation of the Hon'ble Supreme Court in *Urmila Halder v. The New India Assurance*

Company Ltd¹, the appellant Insurance Company is directed to pay a sum of Rs.5,00,000/- along with the interest at the rate of 6% per annum from the date of filing of the application under Section 163A of the Motor Vehicles Act till the date of its realization without the cost of litigation etc.

7. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs.25,000/- on 18.09.2024 and Rs. 6,62,973/- on 08.10.2024 through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company.
8. The office of the learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited to the respondents/claimants in proportion as mentioned in the impugned judgment of the Learned Judge, Motor Accident Claims Tribunal 2nd Court, Suri, Birbhum in M.A.C. Case No. 32/2018 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Court fees and refund the balance amount through a cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company.
9. 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

¹ 2019(2)TAC 143

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 for the accounts of the insurance company.

10. The instant appeal is disposed of accordingly.
11. The pending applications, if any, stands disposed of.
12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

Srimanta, A.R. (Ct.)