

In The High Court At Calcutta  
Civil Appellate Jurisdiction  
Appellate Side

**Present:-**

**The Hon'ble Justice Ananya Bandyopadhyay**

**FMA 23 of 2022**

**Anita Das & Anr.**

**v.**

**National Insurance Co. Ltd. & Anr.**

Mr. Ashique Mondal ... for the appellants/claimants.

Ms. Sucharita Paul ... for the respondent no.1/insurance co.

Heard on & Judgment on : March 20, 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 9<sup>th</sup> October, 2020 passed by the Learned Motor Accident Claim Tribunal, learned Chief Judge, City Civil Court at Calcutta in MAC Case No.05 of 2015.
3. The Learned Advocate representing the appellants/claimants submitted that the Learned Tribunal had granted interest to be paid at the rate of 9% per annum on the awarded sum of Rs.8,50,000/-

from 9<sup>th</sup> October, 2020 till the date of actual realization of the entire awarded sum.

4. The Learned Advocate representing the respondent no.1/insurance company submitted that the Learned Tribunal had granted liberty to the respondent no.1/insurance company to recover the compensation amount from the owner of the vehicle, as mentioned in continued Order No.51 dated 22<sup>nd</sup> January, 2021 in MAC Case No.05 of 2015.
5. This Court is not inclined to interfere with the aspect of pay and recovery as awarded by the learned Tribunal. However, the compensation amount of Rs.8,50,000/- is to be paid by the respondent no.1/insurance company along with interest at the rate of 6% per annum from the date of filing of the claim application under Section 166 of the Motor Vehicles Act dated 5<sup>th</sup> January, 2015 till 8<sup>th</sup> October, 2020. The other portion of the impugned order and judgment dated 9<sup>th</sup> October, 2020 and Order No.51 dated 22<sup>nd</sup> January, 2021 are not interfered with.
6. On receipt of the said amount, the office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants in equal share as mentioned in the award passed by the Learned Motor Accident Claim Tribunal, learned Chief Judge, City Civil Court at Calcutta in MAC Case No.05 of 2015 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees.

7. The instant appeal is disposed of accordingly.
8. The pending applications, if any, stands disposed of.
9. The TCR be sent down to the concerned Tribunal forthwith.
10. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

***(Ananya Bandyopadhyay, J.)***

S.R.