

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**FMA 75 of 2024
National Insurance Company Ltd.
Vs.**

Manisha Singha & Ors.

For the Appellants : Mr. Deb Narayan Ray

For the Respondents : Mr. Jayanta Kumar Mondal
Ms. Sima Ghosh
Mr. Sayantan Rakshit

Heard & Judgment on : 08.05.2025

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 respective parties are present.
3. Two claimants filed an application under Section 166 of the M.V. Act in the Court of the Motor Accident Claims Tribunal, Fast Track 1st Court, Suri, Birbhum, being MAC Case No. 76 of 2022, claiming compensation of Rs. 45,00,000/- for the accidental death of Debmalya Singha. On 04/02/2022 at about 08:30 a.m., the deceased, a permanent resident of Raipur under P.S. Bolpur, District Birbhum, was residing with his family at a rented house in Arobindopally, Suri. On the date of the accident, he was proceeding towards Central School, where his daughter (petitioner no. 2) was a student, riding his motorcycle through NH-60. When he reached near Lambadarpur More, the offending vehicle, a TATA

Indica bearing Registration No. WB-54C/0800, which was proceeding in the same direction towards Dubrajpur from Suri, dashed against the motorcycle from behind, causing the victim to suffer grievous injuries. He was immediately shifted to Suri Sadar Hospital, where he was declared dead on arrival. The owner of the offending vehicle did not contest the case and the case proceeded ex parte against him. National Insurance Company Limited. contested the aforesaid MAC case.

4. The Learned Tribunal as aforesaid disposed of the issues framed considering the oral as well as documentary evidence awarded Rs 4673872/- with an interest payable at 6% per annum.
5. The Learned Advocate representing the appellant/insurance company submitted that the service of the victim was not extended. There was fault on the part of the deceased victim give rise to contributory negligence. The compensation awarded towards future prospect should have been 25% instead of 30%.
6. The Learned Advocate representing the respondents/claimants submitted that the learned Tribunal had rightly assessed the compensation which could not be interfered with.
7. Considered the submission of the Learned Advocates representing for both the parties.
8. Since, the occurrence of the accident, have not been disputed by the Learned Advocate representing the appellant/insurance company, this Court restricts itself only to the points agitated by the Learned Advocate representing the appellant/insurance company as well as respondents/claimants. Perused the oral and documentary evidence on record along with the assessment of the learned Tribunal in

computing the compensation award which appeared to be just and this Court is not inclined to interfere with the same.

9. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 50,91,724/=(Rs. 25,000 + 50,66724) through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company.
10. The Respondent Nos. 1 & 2/claimants are entitled to receive the amount of Rs. 46,73,872/- along with interest at the rate of 6% per cent per annum from the date of filing of the claim application till the date of actual realization.
11. 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 respondent Nos. 1 & 2/claimants as mentioned by Motor Accident Claims Tribunal-cum-Fast Track 1st Court, Suri, Birbhum being MACC Case No. 76 of 2022 on proof of proper identification of the respondent No.1 and 2/claimants subject to payment of ad valorem Court fees within four weeks 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.
12. 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 been further 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 through a cheque to be deposited at the office of the appellant/insurance company.

13. The instant appeal and cross objection are disposed of accordingly.
14. The interim order if any stand vacated.
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.

(Ananya Bandyopadhyay, J.)

c.m. AR. Ct.