

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1043 of 2024

**Arati Bag (Maji) & Ors.
Versus
Reliance General Insurance Company Limited & Anr.**

For the Appellants : Mr. J. K. Mandal,
Mr. S. Rakshit.

For the Respondents : Mr. Sanjay Paul,
Ms. Jaita Ghosh.

Heard & Judgment on : 27th January, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellants/claimants and the respondent no. 1/Insurance Company are present.
2. The instant appeal had been filed against the judgment and award dated 29.02.2024 passed by the Learned Judge, Motor Accident Claims Tribunal and Additional District Judge, Fast Track Court - II, Tamluk, Purba Medinipur in M.A.C. Case No. 399/2020.

3. An application under Section 166 of the Motor Vehicles Act had been filed by the appellants/claimants seeking compensation for the death of a person, aged about 42 years in an accident which occurred on 24.03.2020 at about 7:00 P.M. The victim was hit by the offending vehicle bearing registration no. WB-25F/5673 (Maruti Swift) approaching at an exceeding speed on NH – 41 near Kapasberia School More under P.S. – Mahisadal, Purba Medinipur. The victim sustained severe injuries and expired on his way to Purba Medinipur District Hospital at Tamluk.
4. The learned Advocate representing the appellants/claimants submitted the amount of compensation granted by the learned Tribunal in disposing of the application under Section 166 of the Motor Vehicles Act in M.A.C. Case No. 399/2020 had not been disputed. However, the learned Tribunal had granted the interest at the rate of 6% per annum to be computed from the date of recording of the evidence, i.e., 05.10.2023 till the date of its realization of the said amount which, however, should have been granted from the date of filing of the application under Section 166 of the Motor Vehicles Act, i.e., 30.09.2020 till the date of its realization. The learned Advocate representing the respondents/Insurance Company did not confront the submission of the learned Advocate representing the appellants/claimants.

5. Since the occurrence of the accident, the involvement of the offending vehicle, the Insurance Policy etc. and other ancillary issues have not been disputed along with the computed sum of compensation to the extent of Rs.16,45,000/- this Court restricts itself only to the extent of modifying the impugned judgment rectifying the clause relating to the date of grant of interest. The respondents/Insurance Company is to pay the compensation amount of Rs.16,45,000/- along with interest at the rate of 6% per annum from the date of filing of the application under Section 166 of the Motor Vehicles Act, i.e., 30.09.2020 till the date of its realization and not from the date of recording of its evidence, i.e., 05.10.2023.
6. The learned Advocate representing the respondents/Insurance Company submitted to have paid the entire awarded amount of Rs.16,45,000/- along with the interest at the rate of 6% per annum from the date of recording of the evidence, i.e., 05.10.2023 till the date it was deposited before the learned Tribunal which had been withdrawn by the learned Advocate representing the appellants/claimants. The differential amount after considering the rate of interest to be paid from the date of filing of the application as stated above till the date of its realization. The calculated amount is to be deposited before the

office of the Learned Registrar General, High Court at Calcutta within six weeks from the date of passing of this order.

7. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, Additional District Judge, Fast Track Court - II, Tamluk, Purba Medinipur in M.A.C. Case No. 399 of 2020 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
8. The instant appeal is disposed of accordingly.
9. The pending applications, if any, stands disposed of.
10. 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.