

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

F.M.A 1464 of 2024

Ismatara Bibi & Ors

-Vs-

The National Insurance Company Ltd & Anr.

For the Appellants/ : Mr. Amit Ranjan Roy

For the Respondents/ : Ms. Gopa Das Mukherjee

Heard & Judgment on : 07.05.2025

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 the respective parties are present.
3. Five claimants filed an application under Section 166 of the M.V. Act in the Court of Motor Accident Claims Tribunal, 3rd Court, Tamluk, Purba Medinipur being MAC Case No. 63 of 2017 claiming an award of Rs. 11,50,000/- as well as interest and costs due to the death of the victim in a road traffic accident on 26/11/16 at about 2:30 pm. The offending vehicle bearing Registration No. WB-29/9757 hit the victim who was standing on the side of the road in a rash and negligent manner. Consequently, the victim was transferred to Haldia S.D. Hospital where he was declared dead. On the basis of a written complain, Bhabanipur

PS Case No. 316/16 was instituted on 01.12.16 against the offending vehicle. Though owner of the offending did not contest and the case proceeded ex-parte against him. The respondent, The National Insurance Company Ltd contested the aforesaid MAC case.

4. The Learned Tribunal as aforesaid disposed of the issues framed considering the oral as well as documentary evidences directed the insurance company to pay Rs 11,41,000/- with an interest payable at 6% per annum.
5. The Learned Advocate representing the Appellants/claimants submitted in view of the observation of the Hon'ble Supreme Court in 2020 SAR (CIV) 1095. It was further submitted that P.W.3 had proved that the victim was a staff of Aryan International.
6. The Learned Advocate representing the respondent No.1/insurance company submitted that the documents concerning employment of the deceased victim was manufactured as the P.W.1 did not produce any paper to show that the deceased victim was a staff of their company.
7. Considered the rival contentions of the respective parties.
8. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues 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 appellants/claimants as well as respondent No.1 /insurance company. Since the P.W.3 did not produce any other documents before the Court apart from certain vouchers which

were apparently not signed to have been received by the victim which in absence of supporting document of enlistment of the deceased as staff of the said company cannot be accepted. The assessment of the compensation awarded by the learned Tribunal appeared to be justified and this Court is inclined to interfere with the same.

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

(Ananya Bandyopadhyay, J.)