

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**FMA 1220 of 2022
Shakuntala Ghosh & Ors.
Versus**

M/s. Reliance General Insurance Co. Ltd.

For the Appellant : Ms. Sima Ghosh
For the Respondents : Ms. Gopa Das Mukherjee
Heard & Judgment on : 19th August, 2025.

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present in Court.
2. The instant appeal had been preferred against the impugned judgment and award dated 23.06.2022 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, 1st Court, Murshidabad in M.V. Case No. 210 of 2008.
3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal solely on the ground that the Learned Tribunal in disposing of an application under Section 163A of the MV Act had pronounced the judgment on 23rd June, 2022 without considering the consolidated amount of Rs.5,00,000/- to be paid as compensation in view of the

notification dated 22nd May, 2018 and also the observation of the Hon'ble Supreme Court in Urmila Haldar Vs. The New India Assurance Company Ltd.¹.

4. The Learned Advocate representing the respondent/Insurance Company controverted the submission of the learned Advocate representing the appellants/claimants submitting that the accident occurred in the year 2008 and with the passage of time, the impugned judgment and order was passed in the year 2022 and, therefore, the notification, as aforesaid, should not be complied in the instant case.
5. Since the occurrence of the accident, insurance policy, the driving licence, route permit etc and other ancillary issues are not disputed by the learned advocate representing the respondent/Insurance Company, this Court restrict itself only to the extent of determine the above-mentioned issues.
6. Considered the rival contentions of the respective parties.
7. The impugned judgment and order passed by the learned Tribunal on 23rd June, 2022 was pronounced much later to the publication of the notification on 22nd May, 2018 which should have been considered by the learned Tribunal while disposing of the application under Section 163A of the MV Act.

¹ 2019(2) TAC 143

8. The appellants/claimants are entitled to Rs.5,00,000/- of just compensation with regard to second schedule 1(a) and Notification dated 22nd May, 2018 and also the aforesaid observations of the High Court at Calcutta and the Hon'ble Supreme Court.

The second schedule 1(a) as aforesaid is stated as follows: -

"Fatal Accidents:

Compensation payable in case of Death shall be five lakh rupees."

9. The impugned judgment passed by the aforesaid tribunal is modified to the extent of Rs. Rs.5,00,000/- along with interest to be paid at the rate of 6 % per annum from the date of filing of the application, i.e. 26.05.2008 till the date of its actual realization.

10. The Learned Advocate representing the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,30,500/- along with 6 % interest per annum from the date of filing of the application, i.e., 26.05.2008 till the date of its realization and Moreover, an additional sum towards interest at the rate of 3% per annum on Rs.3,69,500/- to be paid from the date of filing of the claim application, i.e., 26.05.2008 till the date of its actual realization before the office of the Learned Registrar General, High Court Calcutta within a period of three months from the date of passing of this order.

11. In view of the observation of the Hon'ble Supreme Court in Parminder Singh –Vs.- Honey Goyal & Ors. reported in 2025 1 NSC 361 the appellants/claimants are to provide the details of Bank accounts held in the name of the appellants/claimants at the office of the Learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.
12. 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 directly to the Bank accounts of the present appellants/claimants as mentioned in the award granted by the Learned Judge, Motor Accident Claims Tribunal and Additional District Judge, 2nd Court, Nadia in M.A.C. Case No.41 of 2003 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees.
13. The instant appeal and connected application are disposed of accordingly.
14. The TCR be sent down to the concerned Tribunal forthwith.
15. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)