

04.11.2025
Sl. No. 24
Ct No. 9
SG

FMA 1328 of 2025

Lakshi Das (Biswas) & Anr.
Vs
The Cholamandalam
MS General Insurance Co. Ltd. & Anr.

Mr. Saidur Rahaman.

...for the appellants/claimants

Mr. Rajesh Singh.

...for the respondents/
Insurance Company

1. Learned Advocates for the parties are present.
2. The appellants are the claimants in MACC Case No. 112 of 2019 filed before the learned District Judge of Dakshin Dinajpur and transferred to learned Additional District Judge, 1st Court, Balurghat, Dakshin Dinajpur. The appellants before this Court are aggrieved by the award dated 22.04.2024 passed by the learned trial Court in awarding compensation to the claims without awarding any interest from the date of filing till realization. By judgment and award dated 22.04.2024 learned trial Judge was pleased to dispose MAC Case No. 112 of 2019 on contest by observing and directing as follows:-

“that the instant claim case is allowed on contest in part against the O.P. No. 2, (The Cholamandalam MS General Insurance Company Ltd.) and exparte against the O.P. No. 1 (the owner of the vehicle) without any cost.

The O.P. No. 2, The Cholamandalam MS General Insurance Company Ltd. is directed to pay

Rs.11,72,400/- (Eleven Lacs Seventy Two Thousand and Four Hundred only) to the petitioner by way of two A/c payee cheques amounting to Rs.5,86,200/- each to claimants namely Lakshi Das and Ajay Das within two months from the date of this order, in default, the claimant/petitioner will be entitled to get interest @ 6% per annum on the above mentioned amount from the date of this judgement till its realization.

Let a copy of this judgement/order be supplied to the claimant as well as the O.P. No. 2, The Choramandalam MS General Insurance Company Ltd.”

3. As no appeal is preferred by the claimants with regard to the principal sum awarded and the said amount has reached its finality and has been complied with by the insurance company, there is no scope to go into the question of the quantum of awarded sum. However, upon perusal of the judgment dated 22.04.2024, it appears that the learned Judge has awarded compensation of Rs.11,72,400/- to the appellants and awarding interest at the rate of 6 per cent per annum on the abovementioned amount from the date of that judgment till its realization.

4. Heard learned Advocates for both the parties and perused the materials on record.

5. Upon hearing the learned Advocates and upon considering the facts of the case, it is necessary to consider Section 171 of the Motor Vehicles Act, 1988. Section 171 of the said statute provides that where any claims tribunal allows a claim for compensation made under this Act, such tribunal may direct that in addition

to the amount of compensation, simple interest shall also be paid at such rate and from such date not earlier than the date of making the claims as it may be specified in that behalf. Although Section 171 provides discretion to the learned tribunal dealing with the claim cases but it is held in different judicial pronouncements that awarding of interest is the rule and refusal is the exception. Only in exceptional circumstances the claims tribunal can refuse granting of interest. In the instant matter, the learned Court has not assigned any reason as to why the interest is not awarded from the date of filing of the claim case till the date of realization.

6. Thus, this Court is of the view that the award dated 22.04.2024 passed by learned Additional District Judge, 1st Court, Balurghat, Dakshin Dinajpur in MACC Case No. 112 of 2019 should be modified.

7. Hence, the judgment dated 22.04.2024 passed in MACC Case No. 112 of 2019 by learned trial Court is modified to the extent that the respondent insurance company, namely, The Chola mandalam MS General Insurance Co. Ltd shall pay interest at the rate of 6 per cent per annum from the date of filing of the claim case being MACC Case No. 112 of 2019 till the date when the awarded sum was paid to the claimants. Such payments shall be deposited before the Registrar General, High Court, Calcutta within a period of eight weeks from date.

8. The Registrar General, High Court, Calcutta shall upon production of all necessary proof by the appellants-claimants and their learned Advocates and upon compliance of all formalities release the amount deposited by the Insurance Company and shall pay directly to the bank account of the appellants-claimants. The shares of compensation as directed by the learned trial Court shall remain same.

9. Accordingly, FMA 1328 of 2025 stands disposed of.

(Biswaroop Chowdhury, J.)