

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1134 of 2021

**Anita Mondal
Versus
The Oriental Insurance Company Limited & Anr.**

For the Appellant : Mr. Saidur Rahaman.

For the Respondents : Mr. Sucharita Paul.

Heard & Judgment on : 20th March, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/claimant and the respondents/Insurance Company are present.
2. The instant appeal had been filed against the judgment and award dated 19.04.2018 passed by the Learned Additional Judge, Motor Accident Claims Tribunal, 3rd Court, Berhampore, Murshidabad in M.A.C. Case No. 372 of 2013.
3. An application under Section 163A of the Motor Vehicles Act had been filed by the appellant/claimant seeking compensation owing to the death of the victim in an accident which occurred on 02.07.2013 at about 10:00 a.m. with the involvement of the

offending vehicle being a Truck bearing registration no. WB 23A/3068 which approached at an exceeding speed rashly and negligently from the side of Lalbagh and hit the victim riding his bicycle on his way towards Chunakhal in front of Bhai Bhai Furniture at Chunakhali on Lalbagh-Berhampore Road. The victim suffered severe injuries and succumbed to the same at Berhampore N. G. Hospital.

4. The learned Advocate representing the appellant/claimant submitted that the learned Tribunal after considering the materials-on-record and assessment of the evidence granted compensation to the extent of Rs.2,74,500/- along with interest at the rate of 8% per annum to be paid from the date of filing of the application under Section 166 of the Motor Vehicles Act till the date of its actual realization.
5. The Learned Advocate representing the appellant/claimant submitted that at the present date in view of the notification dated 22nd May, 2018 as well as the recent Judgment of the Hon'ble Supreme Court in Urmila Halder v. The New India Assurance Company Ltd the amount of compensation granted by the learned Tribunal in the impugned Judgment and order be enhanced to the composite sum of Rs.5,00,000/- to be granted in an application under Section 163A of the Motor Vehicles Act.

6. The learned Advocate representing the respondents/insurance company opposed the submissions of the learned Advocate representing the appellant/claimant.
7. Considering the rival submissions of the learned Advocates representing the respective parties this Court restricts itself only to the extent of modifying the amount of compensation in the light of the notification dated 22nd May, 2018 and the observation of the Hon'ble Supreme Court in *Urmila Halder v. The New India Assurance Company Ltd*¹.
8. The appellant/claimant is entitled to receive the amount of Rs. 5,00,000/- at the rate of 6% per cent per annum from the date of filing of the claim application under Section 163A of the Motor Vehicles Act till the date of actual realization.
9. The Learned Advocate for the respondents/insurance company is to deposit the balance sum of Rs. 2,25,000/- along with 6 % per cent interest per annum from the date of filing of the claim application before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order .
10. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellant/claimant in equal proportion as mentioned in the award passed by the learned Additional Judge, Motor Accident Claims Tribunal, 3rd Court, Berhampore, Murshidabad in M.A.C.

Case No. 372 of 2013 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Court's fees.

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

(Ananya Bandyopadhyay, J.)