

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1475 of 2024

**Universal Sampo General Insurance Co. Ltd.
Versus
Susmita Ghosh & Ors.**

For the Appellant

Insurance co.

: Mr. Anjan Chakraborty

For the Respondent Nos. 1 to 3
claimants

: Mr. Saidur Rahaman

Heard on & Judgment on

: 1st August, 2025.

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present in Court.
2. The instant appeal had been filed against the judgment and award dated 10th June, 2024 passed by the Learned Judge, Motor Accident Claims Tribunal cum 3rd Court, Barasat, North 24 Parganas in M.A.C. Case No. 14 of 2013.
3. An application under Section 166 of the Motor Vehicles Act had been filed by the claimants on account of the death of the victim in an accident which occurred on 11th September,

2013 in between 10 a.m. to 11 a.m. hours near 7 No. Water Tank, Sector-II, Salt Lake within the jurisdiction of Bidhannagar East Police Station with the involvement of the offending vehicle being a Auto Three Wheeler bearing registration No. WB-04D/3654 wherein the victim had been a passenger which overturned due to reckless driving at a high speed by the driver of the offending vehicle. The victim subsequently was removed to Columbia Asia Hospital and thereafter to Apollo Gleneagles Hospital. He was further admitted at Anandalok Hospital wherefrom he was transmitted to Apollo Gleneagles Hospital and finally expired on 29th October, 2013 at Shusrusha Nursing Home.

4. Learned Advocate representing the appellant/insurance company submitted to have filed the instant appeal exclusively on the ground of 48 days delay in filing the complaint as well as the submission of the charge-sheet after 94 days. It was further submitted that the complaint filed on 29th October 2013 did not refer to the details of the offending vehicle to have been involved in the accident.
5. The Learned Advocate representing the respondent Nos. 1 and 3/claimants submitted that the Learned Tribunal taking into consideration the oral and documentary evidence

through appreciation of the same passed the impugned judgment and order not to be interfered with.

6. 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 extent of considering the issues raised by the Learned Advocates representing the both the parties. The materials on record specifically the application filed under Section 166 of the Motor Vehicles Act had vividly described the time period to the extent of hospitalization of the victim sustaining injuries from time to time and the date of death to be 29th October, 2013 at Shusrusha Nursing Home corroborated by documents of treatment as well as hospitalization. The complaint was filed on 29th October, 2013 wherefrom it could be adequately inferred or implied that the time consumed in the treatment of the victim could have possibly precluded the complainant to file the complaint which could not have been unlikely, absurd or improbable. In view of the aforesaid discussion, this Court is not inclined to interfere with the impugned judgment and order.
7. Accordingly, the instant appeal is dismissed.

8. The Learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 93,32,338/=(Rs. 25,000 + 93,07,383) through two separate cheques as per challan filed by the Learned Advocate representing the appellant/insurance company.
9. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same with accrued interest directly to the bank accounts of the present respondent Nos. 1 to 3/claimants in equal proportion in the award passed by the Learned Judge, Motor Accident Claims Tribunal cum 3rd Court, Barasat, North 24 Parganas in M.A.C. Case No. 14 of 2013 on proof of proper identification of the respondent Nos. 1 to 3/claimants subject to payment of ad valorem Court's fees within six weeks. The office of the learned Registrar General, High Court at Calcutta will instruct the claimants to provide details of their bank accounts with relevant documentary proof, prior to such disbursal as aforesaid.
10. The instant appeal is disposed of accordingly.
11. The interim order if any stand vacated.
12. The pending application is also disposed of.
13. The TCR be sent down to the concerned tribunal forthwith.

14. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

c.m. AR. Ct.