

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1150 of 2025

Rajiv Paswan & Ors.

-Vs-

New India Assurance Company Limited & Anr.

For the Appellants/claimants	:	Mr. Krishanu Banik, Mr. Tathagata Banik
For the respondent No.1/insurance co.	:	Ms. Sayanti Santra
Heard & Judgment on	:	04.08.2025

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates for the appellants/claimants as well as the respondent No.1/Insurance company are present in Court.
2. The instant appeal had been filed against the judgment dated 22.12.2023 passed by the learned Judge, Motor Accident Claims Tribunal, 3rd Court, Howrah in MAC Case No. 291/2009 under Section 163A of the Motor Vehicles Act, 1988.
3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal in disposing of an application under Section 163A of the Motor Vehicles Act disregarding the statutory mandate had granted a sum of Rs.4,60,000/- as

compensation contrary to a sum of Rs.5,00,000/- as statutorily stipulated.

4. The Learned Advocate for the respondent No.1/insurance company submitted that the Learned Tribunal had assessed the compensation in accordance with the Second Schedule 1(a) prior to the amendment.
5. Heard the rival contention of the learned Advocates representing the respective parties.
6. Since, the occurrence of the accident, involvement of the offending vehicle, the driving licence, Insurance certificate etc. are not disputed by the learned advocate representing the respondents/insurance company, this Court restricts itself only to the extent of modifying the above-mentioned issues.
7. Therefore, 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 –Vs.- The New India Assurance Company Ltd.¹

“Fatal Accidents:

Compensation payable in case of death shall be five lakh rupees.”

¹ 2019(2)TAC 143

8. The appellants/claimants are entitled to receive the balance amount of Rs. 5,00,000/- at the rate of 6% per cent per annum from the date of filing of the claim application till the date of actual realization.
9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 4,60,000/-.
10. The Learned Advocate for the respondent No.1/insurance company is to further deposit the remaining balance along with interest at the rate of 6% per annum from the date of filing of the claim application till the date of its actual realization before the office of the Learned Registrar General, High Court, Calcutta within 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 disbursement 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, 3rd Court, Howrah in M.A.C. Case No. 291 of 2009 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.)

Srimanta, A. R. (Ct.)