

In The High Court At Calcutta  
Civil Appellate Jurisdiction  
Appellate Side

**Present:-**

**The Hon'ble Justice Ananya Bandyopadhyay**

**FMA 1360 of 2024**  
**Reliance General Insurance Co. Ltd.**  
**v.**  
**Priya Das & Ors.**

**With**

**COT 35 of 2025**  
**Priya Das & Ors.**  
**v.**  
**Reliance General Insurance Co. Ltd. & Anr.**

Ms. Gopa Das Mukherjee ... for the appellant/insurance company.

Mr. Krishanu Banik  
Mr. Tathagata Banik

... for the respondents/claimants.

Heard on: March 24, 2025.

Judgment on: March 24, 2025.

**Ananya Bandyopadhyay, J:-**

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been preferred against the impugned judgment and award dated 27<sup>th</sup> June, 2024 passed by the learned Motor Accident Claims Tribunal, Suri, Birbhum-cum-Additional

District Judge, 4<sup>th</sup> Court, Birbhum at Suri in MAC Case No.91 of 2019.

3. An application under Section 166 of the Motor Vehicles Act had been filed by the respondent Nos. 1 to 4/claimants on account of the death of the victim in an accident, which occurred on 21<sup>st</sup> November, 2018 at about 05.45 a.m. near Kukhudihi Village on Suri Sainthia Pucca Road within the jurisdiction of Suri Police Station in the District of Birbhum with the involvement of an offending vehicle being a Tata Nano cx bearing registration No.WB-44 A-2624, which at an exceeding speed rashly and negligently collided with the motorcycle bearing registration No.WB48A-5603 being driven by the victim, which resulted severe injuries sustained by the victim, who was shifted to Suri Sadar Hospital on the same day and, thereafter, shifted to Saranya Multi Specialty Hospital, Burdwan, where he expired on 30<sup>th</sup> November, 2018.
4. The Learned Advocate representing the appellant/insurance company confronted the impugned judgment and order on the ground of erroneous calculation of incentives assessed in favour of the respondent Nos. 1 to 4/claimants.
5. The Learned Advocate representing the respondent Nos. 1 to 4/claimants filed a Cross-objection agitating that the learned Tribunal had deducted 30% towards contributory negligence on the

part of the victim to have occasioned the accident, which was excessive.

6. Considered the rival contentions of the Learned Advocates representing the respective parties, the evidence on record relied upon by the Learned Tribunal both oral and documentary had been rightly considered and the issues framed therein had been appropriately disposed of and this Court is not inclined to interfere with the impugned judgment and order, which appears to be justified.
7. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs.34,60,306/- (Rs. 25,000/- + Rs. 34,35,306/-) through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company.
8. The Respondent Nos. 1 to 4/claimants are entitled to receive the amount of Rs. 26,00,717/- interest at the rate of 6% per annum from the date of filing of the claim application till the date of actual realization.
9. The office of the learned Registrar General High Court at Calcutta, shall encash the cheques and, thereafter, disburse the entire awarded amount so deposited to the present respondent Nos. 1 to 4/claimants in equal proportion, as mentioned in the impugned judgment passed by the learned Motor Accident Claims Tribunal,

Suri, Birbhum-cum-Additional District Judge, 4<sup>th</sup> Court, Birbhum at Suri in MAC Case No.91 of 2019 on proof of proper identification of the respondent No.1 to 4/claimants subject to payment of ad valorem Court fees and refund the balance amount, if any, through a cheque to the Learned Advocate for the Appellant/Insurance Company to the account of the insurance company.

10. The interest generated on the sum, deposited by the appellant/insurance company at the office of the learned Registrar General, High Court at Calcutta, which was further deposited in the Nationalized Bank by the office of the learned Registrar General, High Court at Calcutta is to be apportioned and the sum of interest accrued on the aforesaid amount is to be disbursed in favour of the appellant/insurance company.
11. The instant appeal and the cross objection are disposed of.
12. The TCR be sent down to the concerned Tribunal forthwith.
13. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

***(Ananya Bandyopadhyay, J.)***

S.R.