

Form No. J(2)

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

Present:

**The Hon'ble Justice Ananya Bandyopadhyay**

**FMA 1448 of 2024**

**National Insurance Company Limited  
Versus  
Jesmin Biswas & Ors.**

For the Appellants/  
Insurance Company : Mr. Sanjay Paul,  
Ms. Jaita Ghosh.

For the Respondents/  
Claimants : Ms. Paromita Bhattacharya.

Heard & Judgment on : 24<sup>th</sup> September, 2025.

**Ananya Bandyopadhyay, J:**

1. Both the Learned Advocates representing the appellants/Insurance Company and the respondents/claimants are present in Court.
2. The instant appeal had been filed against the judgment and award dated 12.07.2024 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, Fast Track, 3<sup>rd</sup> Court, Alipore, South 24-Parganas in M.A.C. Case No. 544 of 2019.

3. The Learned Advocate representing the appellant/Insurance Company submitted to have the instant appeal on the ground that the driver of the offending vehicle did not possess a valid driving licence and the interest granted by the Learned Tribunal to the extent of 7.5 per cent on the compensation awarded had been excessive.
4. The Learned Advocate representing the respondents/claimants controverted the submission of the Learned Advocate representing the appellant/Insurance Company stating that the Learned Tribunal after assessing the necessary ingredients had computed the compensation awarded.
5. Since the occurrence of the accident, involvement of the offending vehicle, driving licence, Insurance certificate etc. are not disputed by the Learned advocate representing the appellant/Insurance Company, this Court restricts itself only to the extent of rectifying the above-mentioned issues.
6. Considered the rival contentions of the learned Advocates representing the respective parties.
7. The documents marked as Exhibit 4A in M.A.C. Case No. 544/2019 filed in the Court of the Learned Additional District Judge, First Track, 3<sup>rd</sup> Court, Alipore, South 24-Parganas mentioned the seizure of the extract of the driving licence issued against the offending vehicle being No. WB-51 20080054226 in

the name of Jasimuddin Biswas, S/o – Mafajal Biswas, P.S. Dzenta, District – Nadia. The contention of the Learned Advocate representing the appellant/Insurance Company is accordingly negated. In an application under Section 163A of the Motor Vehicles Act the Learned Tribunal had granted a consolidated sum of Rs.5,00,000/- statutorily mandated. However, the interest granted thereon to the extent of 7.5 per cent is reduced to 6 per cent per annum to be paid from the date of filing of the application under Section 163A of the Motor Vehicles Act till the date of its realization.

8. The Learned Advocate for the appellant/Insurance Company submitted that the appellants/Insurance Company have deposited a sum of Rs.6,66,582/-. The respondents/claimants are entitled to receive the sum of Rs.5,00,000/- along with 6% interest per annum to be paid from the date of filing of the claim application till the date of its 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 with accrued interest directly to the Bank accounts of the respondents/claimants in equal proportion as mentioned in the impugned judgment of the Learned Additional District Judge, Motor Accident Claims Tribunal, Fast Track, 3<sup>rd</sup> Court, Alipore, South 24-Parganas in M.A.C. Case

No. 544 of 2019 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court fees. 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 pending applications, if any, stands 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.)**

**Srimanta, A.R.(Ct.)**