

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

IA No.:CAN/1/2024
in
FMA No. 1500 of 2024

National Insurance Company Limited
vs.
Kibria Sk. & Anr.

For the appellant/Insurance company : Mr. Rajesh Singh

For the respondents/claimants :Mr. Subrata Bhattacharyya

Heard on & Judgment on : 01.05.2025

Ananya Bandyopadhyay, J:-

1. The Learned Advocates representing the appellant/Insurance Company as well as respondent No.1/claimant are present.
2. The instant appeal had been preferred by the appellant/Insurance Company against the impugned judgment and award dated 15.04.2024 passed by the Learned Additional District & Sessions Judge, 3rd Court, M.A.C. Tribunal, Purba Bardhaman in M.A.C. Case No. 28 of 2005.
3. The learned Advocate representing the appellant/Insurance Company stated that a case being M.A.C. Case No. 28/2005 was filed by the respondents/claimants through an application under Section 163A of the Motor Vehicles Act due to an accident which

occurred on 10.11.2003 at about 8 A.M. with the involvement of the offending bus bearing registration no. WGB-4275 which collided with a house and the victim being a passenger of the said bus suffered injuries due to the impact and his right leg was amputated amounting to 60% disability. The learned Tribunal being Additional District and Sessions Judge, 3rd Court, Purba Bardhaman vide order dated 24.03.2005 had disposed of the application filed under Section 163A of the Motor Vehicles Act granting a compensation to the tune of Rs.1,54,000/- within three months along with an interest at the rate of 9% from the date of default till the date of realization. The learned Advocate representing the appellant/Insurance Company further submitted that the aforesaid award of Rs.1,54,000/- was deposited by the appellant/Insurance Company before the learned Tribunal which was received by the respondent/claimant. Subsequently, the respondent/claimant had filed an appeal before the High Court being FMA/676/2006 for enhancement of the compensation amount. By an order dated 05.01.2023 the Coordinate Bench of this Court had directed that M.A.C. Case No. 28/2005 which was earlier filed under Section 163A of the Motor Vehicles Act be considered afresh within a time period of three months. Subsequent to such direction of this Hon'ble Court the learned Additional District and Sessions Judge, 3rd Court, Motor Accident Claims Tribunal, Purba Bardhaman had

disposed of the M.A.C. Case No. 28/2005 upon fresh hearing vide order dated 15.04.2024 after considering the issues that were framed and granted a compensation of Rs.6,59,000/- to be paid within two months from the date of passing of this order along with an interest of 9% per annum from the date of filing of the application till the payment.

4. The appellant/Insurance Company being aggrieved by such order had filed the instant appeal for modification of the compensation awarded as aforesaid to the extent of Rs.5,00,000/- in view of the notification dated 22nd May, 2018 which mandated that Rs5,00,000/- will be multiplied in the instant case.
5. The disability suffered by the victim was to the extent of 60% and, therefore, the compensation would be Rs.5,00,000/-X 60/100 along with interest at the rate of 6% per annum from the date of filing of the M.A.C. Case No. 28/2005 till the date of its realization.
6. The respondents/claimants have already received a sum of Rs.1,54,000/-. A further sum of Rs.1,46,000/- is to be paid along with an interest at the rate of 6% per annum from the date of filing of the M.A.C. Case No. 28/2005 till the date of its realization.
7. The learned Advocate representing the appellant/Insurance Company submitted that by virtue of two cheques being Rs. 25,000/- dated 24.10.2024 and Rs.14,62,033/- dated 03.12.2024 the entire compensation amount along with interest had been

deposited at the office of the Registrar General, High Court at Calcutta. The balance sum of money after deducting the aforesaid compensation awarded is to be refunded to the learned Advocate representing the appellant/Insurance Company through a cheque to be deposited at the office of the appellant/Insurance Company for its accounts.

8. The instant appeal is disposed of accordingly.
9. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible
10. The original certified copies of the order dated 24.03.2005 passed by the learned Tribunal in M.A.C. Case No. 28/2005 along with the website copy of the Coordinate Bench's order dated 05.01.2023 in FMA/676/2006 be kept on record.

Srimanta, A.R.(Ct.)

(Ananya Bandyopadhyay, J.)