

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 40 of 2025

**National Insurance Company Limited
Versus
Sayara Begum @ Sayra Begum & Ors.**

For the Appellant : Mr. Rajesh Singh.

For the Respondent Nos. 1 to 10 : Mr. Arijit Sarkar
Mr. Maidul Islam Kayal
Mr. Sumit Naskar.

Heard & Judgment on : 20th February, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondent Nos. 1 to 10/claimants are present.
2. The instant appeal had been filed against the judgment and award dated 31st July, 2021 passed by the Learned Judge, Motor Accident Claims Tribunal cum 8th Additional District Judge, Alipore, South 24 Parganas in M.A.C. Case No. 187 of 2007.
3. An application under Section 166 of the Motor Vehicles Act had been filed by the claimants seeking compensation owing to the death of the victim in an accident which occurred on 16th June,

2007 at about 2.45 p.m. with the involvement of the offending vehicle being a Mini Truck bearing registration no. WB 29-2008 which recklessly proceeded along M.G. Road from Charial to Subhas Uddan and hit the victim at the crossing of Golam Rasul Road and 465 MG Road. The victim was admitted at M.R. Bangur Hospital where he expired on 21st June, 2007.

4. The Learned Advocate representing the appellant/Insurance Company submitted that the Learned Tribunal disregarding the merit of the application under Section 163A of the Motor Vehicles Act proceeded to decide the same to be the case registered under Section 166 of the Motor Vehicles Act and resorting to the multiplier method and other components assessed the compensation to the tune of Rs. 7,85,15/- along with the interest at the rate of 9% per annum from the date of filing of the claim application till the date of its realization. The learned advocate representing the appellant/insurance company sought for reduction of the compensation award in terms of the notification dated 22nd May, 2018 and the observation of the Hon'ble Supreme Court in *Urmila Halder v. The New India Assurance Company Ltd*¹.
5. The learned Advocate representing the respondent Nos. 1 to 10/claimants did not controvert the submissions of the learned advocate representing the appellant/insurance company.

¹ 2019(2)TAC 143

6. Since, the occurrence of the accident, involvement of the offending vehicle, the driving license, Insurance certificate etc. are not disputed by the learned advocate representing the appellant/insurance company, 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 v. The New India Assurance Company Ltd*².
7. The Respondent Nos. 1 to 10/claimants are entitled to receive the 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.
8. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs.15,95,629/- through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company.
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 10/claimants in proportion as mentioned in the impugned judgment Learned Judge, Motor Accident Claims Tribunal cum 8th Additional District Judge, Alipore, South 24 Parganas in M.A.C. Case No. 187 of 2007 on proof of proper identification of the

² 2019(2)TAC 143

respondent No.1 to 10/claimants subject to payment of ad valorem Court fees and refund the balance amount through a cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company.

10. The interest generated on the sum of money deposited by the appellant/insurance company at the office of the Learned Registrar General, High Court at Calcutta which has already been 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 for the accounts of the insurance company.
11. The instant appeal is disposed of accordingly.
12. The pending applications, if any, stands disposed of.
13. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)