

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 812 of 2025

Archana Mondal & Ors.

-Vs-

United India Insurance Company Limited & Ors.

For the Appellants/claimants : Mr. Jayanta Banerjee

For the respondent No.1/insurance co. : Mrs. Sucharita Paul,
Ms. P. Das

Heard & Judgment on : 09.06.2025

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 24.02.2012 passed by the Learned Judge, Motor Accident Claims Tribunal and Additional District Judge, 2nd Court, Naida in MAC Case No. 41/2003 under Section 163A of the Motor Vehicles Act, 1988.
3. An application under Section 163A of the Motor Vehicles Act had been filed on account of the death of a victim in an accident which occurred at Dhubulia Bazar on N.H. 34 on 01.07.2002 at about 06.30 A.M. being a bicycle rider. He was hit by the offending vehicle being Tata Sumo which approached towards

Krishnagar at an excessive speed and the driver of the offending vehicle losing his control hit the victim who suffered severe injuries and was transferred to N.R.S. Hospital, Kolkata where he succumbed to the injuries.

4. The Learned Advocate representing the appellants/claimants submitted the Learned Tribunal had erroneously granted compensation to the extent of Rs. 3,35,900/- along with interest at the rate of 3% per annum from the date of filing of the case.
5. The Learned Advocate for the respondent No.1/insurance company fairly submitted that the appellants/claimants are entitled to sum a of Rs. 5,00,000/- in accordance with the decision of the Hon'ble High Court in Urmila Halder v. The New India Assurance Company Ltd¹. and the same being affirmed by the Supreme Court in Special Leave Petition² and the Notification dated 22nd May, 2018, the appellants/claimants are entitled to Rs.5,00,000/- of just compensation with regard to second schedule 1(a) and Notification dated 22nd May, 2018 and also the aforesaid observations of the High Court at Calcutta and the Hon'ble Supreme Court.
6. The second schedule 1(a) as aforesaid is stated as follows: -

“Fatal Accidents:

Compensation payable in case of

Death shall be five lakh rupees.”

7. The impugned judgment passed by the aforesaid tribunal is modified to the extent of Rs. Rs.5,00,000/- along with interest to be paid at the rate of 6 % per annum from the date of filing of the application till the date of its actual realization.
8. The Learned Advocate for the respondent No.1/insurance company submitted to have deposited a sum of Rs. 3,35,900/- before the Learned Tribunal which had been withdrawn by the Learned Advocate representing the appellants/claimants.
9. The Learned Advocate representing the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,64,100/- along with 6 % interest per annum from the date of filing of the application till the date of its realization and Moreover, an additional sum towards interest at the rate of 3% per annum on Rs.3,35,900/- to be paid 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 a period of three months from the date of passing of this order.
10. 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

¹ 2019(2)TAC 143

² Special Leave Petition(Civil) No. 6260 of 2019

the office of the Learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.

11. 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 and Additional District Judge, 2nd Court, Nadia in M.A.C. Case No.41 of 2003 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees.
12. The instant appeal and connected application are disposed of accordingly.
13. The TCR be sent down to the concerned Tribunal forthwith.
14. 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.)