

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**FMA 458 of 2024
CAN 2 of 2024
ICICI Lombard General Insurance Company Limited
Versus
Kanchan Sou @ Kanchan Saha & Ors.**

For the Appellant : Mr. Parimal Kumar Pahari

For the Respondent Nos. 1 to 4: Mr. Subrata Bhattacharyya.

Heard & Judgment on : 17th July, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and respondent No. 1 to 4/claimants are present.
2. The instant appeal had been filed against the judgment and award dated 26th July, 2023 passed by the Learned Judge cum Motor Accident Claims Tribunal cum Additional District Judge, 1st Court, Suri, Birbhum in M.A.C. Case No. 196 of 2020.
3. The Learned Advocate representing the appellant/Insurance company submitted to have filed the instant appeal exclusively on the ground that the complaint filed by the claimants after a lapse

of 95 days from the date of occurrence of the accident was invariably the false implication of the offending vehicle for the purpose of extracting compensation from the appellant/insurance company.

4. The Learned Advocate representing the respondent Nos. 1 to 4/claimants submitted that the Learned Tribunal after assessing oral and documentary evidence had rightly assessed the compensation award.
5. Considered the submissions of the Learned Advocates representing respective parties.
6. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues have not been disputed by the learned advocate representing the appellant/insurance company, this Court restricts itself exclusively to the extent of issues raised by the Learned Advocate representing the appellant/insurance company. The complaint marked as Ext.4 explained the reason for delay in filing the complaint which had explanatory and could be accepted. Under such circumstances, this Court is not inclined to interfere with the impugned judgment and order.
7. The Learned Advocate representing the appellant/Insurance Company submitted to have deposited a sum of Rs.

6,03,303/=(Rs. 25,000 + 5,78,303) 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. 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.
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 along with accrued interest directly to the bank account of the present respondent Nos. 1 to 4/claimants as mentioned in the impugned judgment and order passed by the Learned Judge cum Motor Accident Claims Tribunal cum Additional District Judge, 1st Court, Suri, Birbhum in M.A.C. Case No. 196 of 2020 on proof of proper identification of the respondent No.1 to 4/claimants subject to payment of ad valorem Court fees and refund the differential amount, if any, through a cheque to the learned advocate for the insurance company for the accounts of the insurance company. 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 dismissed 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.)