

District: Nadia

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction

Appellate Side

Present :

The Hon'ble Justice Ananya Bandyopadhyay

FMA 641 of 2021

SAHIDA BIBI & ORS.

VS.

THE NATIONAL INSURANCE CO. LTD. & ANR.

Mr. Amit Ranjan Roy

... for the appellant/claimants

Mr. Deb Narayan Ray

... for the respondents/Insurance Company

Heard on : 29.07.2025

Judgment on : 29.07.2025

Ananya Bandyopadhyay J.

1. The Learned Advocates representing the respective parties are present.

2. The instant appeal had been preferred against judgment and order dated 5th August, 2008 passed by the Motor Accident Claims Tribunal, District Judge, Nadia in M.A. C. Case No. 489 of 2007 under Section 163A of the Motor Vehicles Act, 1988.

3. An application under Section 163A of the Motor Vehicle Act, had been filed by the claimant on account of death of the victim in an accident which occurred on 11.08.2007 at about 5.45 P.M. by

side of NH-34 in front of the Medical shop of the complainant thereby the offending vehicle being a Lorry bearing registration No.WB-59/1893 proceeding at a excessive speed rashly and negligently collided with the bicycle driven by the victim who subsequently suffered injuries and succumbed to the same.

4. The Learned Advocate representing the appellants /claimants submitted who have filed the instant appeal exclusively on the ground that the learned tribunal in disposing of an application under Section 163A of the M.V Act had granted a sum of Rs.2,59,000/- as compensation contrary to the comprehensive sum of Rs.5,00,000/- and sought for the balance amount of Rs.2,41,000/- along with interest.

5. Learned advocate representing the respondent No.1/ Insurance Company did not controvert the submission of the learned advocate representing the appellants/claimants.

6. Considering the material on record as well as the submission of the learned advocate representing the appellants/claimants as well as the respondent No.1/ Insurance Company the impugned judgment and order dated 5th August, 2008 passed by the Member, Motor Accident Claims Tribunal, District Judge, Nadia in M.A.C Case No.489 of 2007 is modified to the extent of Rs.5,00,000/- per annum along with a interest of 6% per annum from the date of filing of the application under Section 163A of the M.V Act till the date of realization.

7. The Learned Advocate for the appellants/claimants submitted to have received the compensation of Rs. 2,41,000/-. In view of the observation of the Hon'ble Supreme Court in *Parminder Singh Vs. Honey Goyal & Ors.*¹ the Respondent Nos. 1 to 4/claimants is to provide the details of Bank Accounts held in the name of the respondent Nos. 1 to 4/claimants at the office of the learned Registrar General, High Court at Calcutta for disbursement of the compensation amount.

8. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 2,59,000/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within 12 weeks from the date of passing of this order.

9. 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 in equal proportion as mentioned in the impugned judgment and order passed by the Motor Accident Claims Tribunal, District Judge, Nadia in M.A. C. Case No. 489 of 2007 under Section 163A of the Motor Vehicles Act, 1988 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Courts fees within four weeks.

¹ 2025 INSC 361

10. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal & Ors.² the appellants/claimants are to provide the details of Bank Accounts held in the name of the appellants/claimants at the office of the learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.

11. The instant appeal is disposed of accordingly.

12. The pending application, if any, stands disposed of.

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.)

² 2025 INSC 361