

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 169 of 2024

**National Insurance Co. Ltd.
Versus
Karuna Dey & Ors.**

For the Appellant	:	Mr. M. P.Chakraborty Ms. Ratnadipa Karmakar
For the Respondent No.1 to 5/ claimants	:	Mr. Jayanta Kumar Mondal Mr. Sayantan Rakshit
Heard & Judgment on	:	2 nd September, 2025.

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present in Court.
2. The instant appeal had been filed against the judgment and award dated 31st July, 2023 passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, 2nd Court, Bankura in M.A.C. Case No. 107 of 2015.
3. The Learned Advocate representing the appellant/insurance company submitted to have filed the instant appeal on the ground

that the Learned Tribunal had erroneously considered the Income Tax Return filed by the claimants to assess the income of the victim. Moreover since the claim application under Section 166 of the Motor Vehicles Act had been dismissed for default the interest should have been granted from the date of its restoration and not from the date of its filing of the claim application. It was further submitted that the driver of the offending vehicle did not possess a valid driving licence.

4. The Learned Advocate representing the respondent Nos. 1 to 5/claimants submitted that the Learned Tribunal assessing all the aspects based on the oral and documentary evidence had justifiably computed the compensation amount and this Court should not interfere with the same.
5. Since the occurrence of the accident, the Insurance policy, the route permit etc. and other ancillary issues have not been disputed by the learned advocate representing the respondent No.1/insurance company, this Court restricts itself only to the extent of issues agitated by the learned Advocates representing the respective parties. From the perusal of the contents of the impugned judgment and order as well as the deposition of the exhibits its on record, the Learned Tribunal to have assessed the compensation on the basis of the Income Tax Return filed by the claimants relating to the income of the victim is indisputable.

Moreover, the date of interest to be disbursed should have been from the date of filing of the claim application under Section 166 of the Motor Vehicles Act till the date of its realization. The seizure list mentioned the seizure of the driving licence which had issued in the name of the owner of the offending vehicle. Therefore, the contention of the Learned Advocate representing the appellant/insurance company is not considered.

6. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 24,65,028/=(Rs. 25,000 + 24,40,028/-) through two separate cheques as per challan filed by the Learned advocate representing the appellant/insurance company.
7. The office of the Learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited with accrued interest directly to the bank accounts of the respondent Nos. 1 to 5/claimants as mentioned in the impugned judgment and award passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, 2nd Court, Bankura in M.A.C. Case No. 107 of 2015 on proof of proper identification of the respondent No.1 to 5/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.

8. The instant appeal is dismissed accordingly.
9. The pending applications, if any, stands disposed of.
10. The interim order if any stand vacated.
11. The TCR be sent down to the concerned tribunal forthwith.
12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

c.m. AR. Ct.