

**IN THE HIGH COURT AT CALCUTTA**

**CIVIL APPELLATE JURISDICTION**

**Present:**

**The Hon'ble Justice Ananya Bandyopadhyay**

***FMA 347 of 2024***

**Abhijit Dhar & Ors.**

**-Vs-**

***The Reliance General Insurance Co. Ltd. & Anr.***

**For the Appellants/claimants** : Saidur Rahaman

**For the respondent No.1/insurance co.** : Mr. Sanjay Paul

**Heard on & Judgment on** : 04.07.2025

**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 31<sup>st</sup> August, 2023 passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, 4<sup>th</sup> Court, Barasat, North 24-Parganas in MAC Case No. 675 of 2013 under Section 163A of the Motor Vehicles Act, 1988.
3. An application under Section 163A of the Motor Vehicles Act which had been filed by the claimants on account of the death of the victim in an accident which occurred on 12<sup>th</sup> August, 2013 at about 10.30 hrs on T.N. Biswas Road near Gulmohar Vila within the jurisdiction of Belghoria police station with the involvement of the offending vehicle being a truck bearing registration No. WB-

23C/5761 which proceeded at an exceeding speed, rashly and negligently clashed with the rickshaw resulting in the victim sustaining severe injuries being a passenger of the same and subsequently admitted to Sagar Dutta Hospital at Kamhati. She was declared **brought dead** by the doctors.

4. The Learned Advocate representing the appellants/claimants submitted that the learned tribunal erroneously without considering the intent and purport of Section 163A of the Motor Vehicles Act as well as notification dated 22<sup>nd</sup> May, 2018 had applied the “multiplier method” and granted the compensation to the tune of Rs. 2,41,200/-.
5. The learned Advocate representing the respondent No.1/insurance company submitted the driver of the offending vehicle at the relevant point of time did not possess the valid driving licence to drive heavy motor vehicles like that of a truck having been permitted to drive light motor vehicles through issuance of light motor a driving licence. Subsequently, he prayed for a direction from this Court on the respondent No.1/insurance company to pay the compensation amount and thereafter recover the same from the owner of the offending vehicle.
6. The learned tribunal had considered the driving licence of the driver of the offending vehicle to be invalid and the cast the entire

responsibility on the owner of the vehicle, exonerating the respondent No.1/insurance company.

7. Since, the occurrence of the accident, involvement of the offending vehicle, route permit and insurance policy etc. have not been disputed by the Learned Advocate representing the respondent No.1/insurance company, this Court restricts itself only to the extent agitated by the learned Advocates representing the respective parties.
8. The impugned judgment and order passed on 31<sup>st</sup> August, 2023, by that time when the notification as aforesaid had already been issued which should have been within the knowledge of the learned tribunal to comply with.
9. Accordingly, the impugned judgment and order is modified to the following extent of Rs. 5,00,000/- to be paid at the rate of 6% per annum from the date of filing of the application under Section 163A of the motor vehicles Act till the date of its realization. The deposition of the RTO as well as the document marked as Ext. A revealed that the driver of the offending vehicle did not possess a valid driving licence to drive a heavy motor vehicle like a truck.
10. In view of the Notification dated 22nd May, 2018 and as also the decision of the **Hon'ble High Court in Urmila Halder v. The New India Assurance Company Ltd** and the same being affirmed by the Supreme Court in Special Leave Petition, the

appellants/claimants are entitled to Rs.5,00,000/- as just compensation with regard to the Second Schedule 1(a) as aforesaid which is replicated as follows: -

“Fatal Accidents:  
Compensation payable in case of  
Death shall be five lakh rupees.”

11. The impugned judgment passed by the aforesaid tribunal is modified to the extent of 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.
12. The Learned Advocate representing the appellants/claimants further submitted the owner of the offending vehicle had not disbursed the compensation amount in compliance with the impugned judgment and order dated 31<sup>st</sup> August, 2023.
13. The Learned Advocate for the respondent No.1/insurance company is to deposit the sum of Rs. 5,00,000/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within two months from the date of passing of this order. The learned advocate representing the respondent No.1/insurance company is to initiate the proceedings before the appropriate forum to recover the compensation amount paid to the claimants from the owner of the offending vehicle subject to strict proof of the document claimed to be invalid by the respondent No.1/insurance company.

14. 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 bank accounts of the present appellants/claimants as mentioned learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, 4<sup>th</sup> Court, Barasat, North 24-Parganas in MAC Case No. 675 of 2013 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. 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.
15. The instant appeal is disposed of accordingly.
16. The pending application, if any, stands disposed of.
17. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

**(Ananya Bandyopadhyay, J.)**