

07.04.2025
Sl. No.62
Ct. No.3
K.S.

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**F.M.A. 30 of 2025
Rajeswari Sarkar & Ors.**

-Versus-

United India Insurance Company Ltd. & Ors.

Mr. Gobinda Saha
Mr. Tamal Kumar Sen
Ms. Priyanka Dey
Mr. Milan Ch. Laskar

.....For the Appellants

Mr. Pashupati Nath

.....For the Insurance Company

Paper Book filed in Court be taken on record.

This appeal has been preferred against the judgment and award passed by the Learned Additional District Judge, Fast Track, 1st Court, Jalpaiguri, Motor Accident Claim Tribunal in connection with Motor Accident Claim Case No.349 of 2017 wherein learned Judge awarded compensation to the tune of Rs.22,41,205/- (Rupees Twenty Two Lacs Forth One Thousand and Two Hundred Five Only).

Both the learned counsel appearing on behalf of the appellants as well as on behalf of the Insurance company are present.

Both the learned counsel appearing on behalf of the parties to this appeal have not disputed the judgment recorded by the learned Motor Accident Claims Tribunal save and except non-compliance of the provision of Section 171 of the Motor Vehicles Act, 1988.

It is submitted on behalf of the appellants that the learned Tribunal though promulgated award, it was made without imposing interest on the awarded amount in violation of Section 171 of the Motor Vehicles Act.

Learned counsel appearing on behalf of the respondent/insurance company did not contradict the compliance of the provision of Section 171 of the Motor Vehicles Act, 1988. At this stage, learned counsel appearing on behalf of the appellants reported this Court that the entire awarded amount i.e. Rs.22,41,205/- (Rupees

Twenty Two Lacs Forth One Thousand and Two Hundred Five Only) has already been received by all the claimants.

In this circumstances, I modify the order impugned which promulgated the award without interest.

Accordingly, the claimants are also entitled to receive the interest at the rate of 6% per annum on the total awarded amount from the date of filing of the claim application i.e. 11.09.2017 till the date of payment i.e. 07.06.2024.

In the aforesaid view of the matter, the respondent/insurance company is directed to make the payment towards interest, mentioned hereinabove, by issuing three separate cheques in equal share.

The respondent/insurance company is also directed to deposit the cheques within a period of six weeks from the date of the order before the learned Tribunal.

The learned Tribunal is directed to disburse the cheques to all the claimants on proper identification and verification.

With the above observation, Appeal being, F.M.A. 30 of 2025 stands disposed of.

Tribunal record, if there be any, be sent down along with the copy of the order to the Tribunal immediately.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Bibhas Ranjan De, J.)