

S/L 119
29.06.2026
Court No.9
Swd

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

FMA 500 of 2010

**Rani Devi & Anr.
Vs.
The Oriental Insurance Company Ltd. & Ors.**

Mr. Saidur Rahaman.

... for the Appellant.

Mr. Rajesh Singh.

... for the Respondent.

1. The learned Advocates for the parties are present.
2. Heard learned Advocates.
3. This appeal is directed against the judgment and award dated 17.08.2008 passed by learned Additional District Judge, Balurghat, Dakshin Dinajpur in MAC Case No.75/2007.
4. The grievance of the appellant/claimant is that the learned Trial Judge awarded Rs.2,65,500/- which according to the appellant/claimant is meagre.
5. Learned Advocate for the appellant submits that the amount awarded by the learned Trial Judge should be enhanced and as per the amended provision the appellant/claimant is entitled to Rs.5,00,000/-.

6. Learned Advocate for the respondent Insurance Company disputes the submission made by the learned Advocate for the appellant.
7. Upon considering the fact that this Motor Vehicles claims legislation is a beneficial legislation and as per the amendment that all the claimants under Section 163A of the Motor Vehicles Act, 1988 are entitled to Rs.5,00,000/-, it would just and reasonable to enhance the compensation amount to Rs.5,00,000/-.
8. Thus, this appeal **FMA 500 of 2010** stands disposed. The judgment and award dated 17.08.2008 passed by learned Additional District Judge, Balurghar, Dakshin Dinajpur in MAC Case No.75/2007 stands modified to the extent that the appellant/claimant will be entitled to compensation of Rs.5,00,000/- along with interest at the rate of 6% per annum from the date of filing of the claim case till today.
9. The respondent The Oriental Insurance Co. Ltd. shall deposit the compensation of Rs.5,00,000/- along with interest at the rate of 6% per annum within eight weeks from the date of communication of this order.
10. In the event, the compensation awarded by the learned Trial Court is already paid, the balance amount be deposited.

11. The appellant claimant will be entitled to withdraw the compensation upon compliance of necessary formalities. The deficit of fees on the enhanced amount of compensation be paid within four weeks.

12. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(BISWAROOP CHOWDHURY, J.)