

S/L 11
15.05.2026
Court No.9
Swd

FMA 3191 of 2015

Nurjamal Sk. & Ors.

Vs.

The Oriental Insurance Co. Ltd. & Anr.

Mr. Sima Ghosh.

... for the Appellant/ Claimant.

Mrs. Sucharita Paul.

... for the Respondent/ Insurance Company.

1. The learned Advocate for the parties are present.
2. The appeal is taken up for hearing on consent of the learned Advocates.
3. The appellant before this Court was a claimant before the learned Trial Court in case under Section 163A of the Motor Vehicles Act, 1988 and is aggrieved by the judgment and award dated 16th April, 2014 passed by the learned Additional District Judge, 3rd Court, Murshidabad Berhampore in MAC Case No.390 of 2010.
4. The ground of challenge in the present appeal is that the learned Trial Judge has awarded compensation of Rs.84,500/- and the appellant is entitled to compensation of Rs.5,00,000/-.
5. The learned Advocate for the appellant has relied upon the decision passed by the learned Single Judge of this Court in **FMA 1220 of 2022 (Shakuntala Ghosh & Ors. Vs. Reliance General Insurance Co. Ltd.)**. In the decision of

Shakuntala Ghosh the learned Single Judge observed as follows:

“The appellants/claimants are entitled to Rs.5,00,000/- of just compensation with regard to second schedule 1(a) and Notification dated 22nd May, 2018 and also the aforesaid observations of the High Court at Calcutta and the Hon’ble Supreme Court. The second schedule 1(a) as aforesaid is stated as follows: -

“Fatal Accidents:

Compensation payable in case of Death shall be five lakh rupees.”

6. Further, the motor vehicle claim legislation being a beneficial legislation and Section 164 of the Motor Vehicles Act, 1988 which provides compensation of Rs.5 lakh, the said compensation should be awarded.
7. In the facts and circumstances, this appeal stands disposed. The judgment and award passed by the learned Additional District Judge, 3rd Court, Murshidabad, Berhampore in MAC Case No.390 of 2010 stands modified to the extent that the appellant claimant is entitled to Rs.5 lakh from the respondent No.1. The Oriental Insurance Co. Ltd. shall pay Rs. 5 Lakh along with interest at the rate of 6% per annum from the date of filing of the claim case till today.

8. The respondent No. 1 The Oriental Insurance Co. Ltd. shall deposit the compensation along with interest within eight weeks from the date of communication of this order. The compensation amount shall be deposited before the Registrar General, High Court, Calcutta, within the said period.
9. It is, however, made clear that in the event, the compensation awarded by the learned Trial Court is already paid the balance amount be deposited. The appellant claimant will be entitled to withdraw the compensation amount upon compliance all the necessary formalities.
10. Urgent Photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(BISWAROOP CHOWDHURY, J.)