In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

12.11.2026
Item No.2
Ali
ct. no.9

FMAT 1325 of 2014

Puspa Ghosh & Ors.
Vs.
The National Insurance Company Ltd. & Anr.

Ms. Sima Ghosh
.... for the appellants/claimants.

Mr. Saibalendu Bhowmik
Mr. Rajshekhar Basu
...for the respondent No. 1/Insurance Co.

1. Learned Advocate for the appellants-claimants and learned Advocate for the respondent No.1-National Insurance Company Ltd. are present.
2. Heard the learned Advocates for the parties.
3. This appeal is directed against the judgment and award dated 21.05.2014 passed by learned District Judge, Birbhum at Suri in MAC Case No. 94 of 2013. The application before the learned Trial Judge was filed under Section 163-A of the Motor Vehicles Act, 1988. Learned Trial Judge upon hearing the parties and considering the evidence adduced was pleased to award compensation of Rs.4,17,500/- along with interest from the date of the institution of the case till realization of the amount. The ground of

challenge in this appeal is inadequacy of compensation.

4. Learned Advocate for the respondent/Insurance Company submits that the claimants could not prove the income of the victim for which the learned Trial Judge considered the income as Rs.3,000/- per month. Thus, the compensation awarded is not inadequate.

5. Learned Advocate further submits that the appellants/claimants did not take any steps for disposal of this appeal for a long period thus, they should not get any interest on compensation during the pendency of this appeal.

6. I have considered the submission of both the learned Advocates and the judgment and award passed by the learned Trial Court. With regard to the judgment and award passed by the learned Trial Court this Court is of the view that as the claimants could not prove the income learned Trial Judge did not commit any error to consider the monthly income of the victim at Rs.3,000/-. However considering the amendments in the Motor Vehicles Act and considering the fact that the statute is the beneficial legislation this Court is of the view that the victim of the accident or their families should get benefits of the amendments in said legislation.

7. In the facts and circumstances, this Court is of the view that the judgment and award of the learned Trial Court should be modified and the compensation awarded should be enhanced to Rs.5,00,000/- as per Section 164 of the Motor Vehicles Act, 1988.

8. However with regard to the submission of awarding interest this Court is of the view that although steps ought to have been taken for early hearing of this Motor accident claim appeal but considering the quantum of enhancement of compensation awarded being Rs.82,500/-and the fact that the application under Section 163-A is for limited amount for the poor families it would not be reasonable to deprive the families of the victim in getting interest.

9. Hence this appeal FMAT 1325 of 2014 stands disposed. The judgment and award dated 21.05.2014 stands modified to the extent that the claimants/appellants are entitled to compensation of Rs.5,00,000/-along with interest @ 6% per annum from the date of filing of the claim case till today. The respondent/Insurance Company shall deposit Rs.5,00,000/- along with interest @ 6% per annum from the date of filing claim case till today. Such deposit shall be made before the learned Registrar General, High Court, Calcutta

within a period of eight weeks from the date of communication of this order.

10. In the event compensation awarded by the learned Trial Court is already paid or deposited the balance deposit be made. The widow of the victim be paid 50% of the compensation and balance amount be distributed equally among other claimants. The claimants/appellants will be entitled to withdraw the compensation upon compliance of necessary formalities

11. This appeal FMAT 1325 of 2014 stands disposed of.

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

(Biswaroop Chowdhury, J.)