

Item
No. 98

Ct
04

RUP

25.03.2026

IN THE CIRCUIT BENCH CALCUTTA HIGH COURT
AT JALPAIGURI
CIVIL APPELLATE JURISDICTION

FMA 69 of 2025

Sadhana Roy

Vs

United India Insurance Company Limited & Anr.

Mr. Gobinda Saha,
Ms. Priyanka Dey,
Mr. Milan Chandra Laskar,
Ms. Srija Bhounik ... for the appellant.

Mr. Bipul Ranjan Bhattacharjee.
... for the respondent/insurance company.

Learned advocates for the parties are present.

Heard learned advocates.

This appeal is directed against the judgment and award dated 23rd day of May, 2025 passed by the Learned Additional District Judge, 1st Court, Jalpaiguri in M.A.C. Case No. 133 of 2019.

The ground of challenge by the appellant/claimant is that the Learned Trial Judge instead of considering the monthly income as Rs. 15958/- as reflected in the income tax return has proceeded on the basis of monthly income of Rs.15800/-. Learned advocate further submits that the Learned

Trial Judge has refused to grant interest from the date of filing of the claim case.

Learned advocate for the respondent no.1/United India Insurance Company Ltd. submits that the Learned Trial Judge observed that there was no laches on the part of the Insurance Company for which no interest was awarded.

With regard to the first ground of the appellant regarding the assessment of compensation on the basis of Rs.15958/- not Rs.15800/-, this Court is of the view as it is a minor difference and no prejudice will cause to the appellant/claimant no interference is made in this regard. However, with regard to the grant of interest this Court is of the view that while awarding interest Court should take into consideration the provision of Section 171 of the Motor Vehicles Act, 1988 as well as fact that motor vehicles claim legislation which is a beneficial legislation. As per Section 171 of the Motor Vehicles Act, 1988 where any claims Tribunals allows the claim for compensation made under this Act such Tribunal may direct that in addition to the amount of compensation simple interest also be paid at such rate and not from such date not earlier

than date of making of the claim as it may specify in this behalf. Although awarding interest is at the discretion of the Court but as it is held in different judicial pronouncement that the Court should ordinarily grant interest from the date of application unless claimant is responsible for causing delay in final disposal of the case normally the interest should be awarded. Moreover, motor vehicle claim legislation is a beneficial legislation, thus while awarding compensation it would be just and proper to award interest also unless there is delay and laches on the part of the claimant.

In the instant case, the Learned Trial Judge has not come to a finding the delay was caused by the appellant/claimant. Thus, the interest in this case should be allowed.

Hence, this appeal FMA 69 of 2025 stands disposed of. The judgment and award passed by the Learned Additional District Judge, 1st Court, Jalpaiguri in MAC Case No. 133 of 2019 stands modified to the extent that the claimant/appellant apart from getting the compensation as awarded by the Learned Trial Court is entitled to interest @6% per annum on the compensation amount from the date of filing of the claim case (28.05.2019) till today.

The respondent No.1./United India Insurance Company Ltd. shall pay the interest @6% per annum on the basis of compensation amount from the date of filing (28.05.2019) of the claim case till today by making deposit before the Registrar, Circuit Bench, Jalpaiguri. Such deposit shall be made within a period of eight weeks from the date of communication of this Order.

Urgent certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswaroop Chowdhury J.)