

S/L 50
18.03.2026
Court No.4
Swd

*Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side*

FMA 64 of 2024

**Mini @ Mine Karjee
Vs.
The Oriental Insurance Co. Ltd. & Anr.**

*Mr. Gobinda Saha,
Ms. Priyanka Dey,
Mr. Milan Chandra Laskar,
Ms. Srija Bhowmik.*

... for the Petitioner.

Mr. Rishin Chakraborty.

... for the Oriental Insurance.

Mr. Bipul R. Bhattacharjee,

... for the United India Insurance.

1. The learned Advocate for the Appellant/Claimant and the learned Advocate appearing for Oriental Insurance Company Limited, Respondent No.1 and the United India Insurance Company Limited Respondent No.2 are present.
2. Heard the Learned Advocates for the parties.
3. The claim before the learned Trial Court was instituted under Section 163A of the Motor Vehicles Act, 1988, by the Appellant/Claimant. The learned Additional District Judge, Fast track, First Court, Jalpaiguri in M.A.C case No.174 of 2019 was pleased to award compensation to the

appellant by observing and directing as follows:-

“That the instant case filed u/s 163A of Motor Vehicles Act, 1988 is allowed on contest as against both the insurance companies and exparte against owners of the vehicles.

The petitioner/claimant Mini @ Mine Karjee being the legal heir and representative of the deceased/ victim Amit Karjee do get an award of Rs. 5,00,000/- (Rs. Five lacs only) subject to payment of DCF if any.

Both the Oriental Insurance Co. Ltd and United India Insurance Company Ltd are directed to pay the awarded amount to the above mentioned petitioner/claimant within two months from the date of passing of this order, failing which company will liable to pay the award with interest @6% p.a from date of filing of this case. The petitioner/claimant will be at liberty to put this award in execution in accordance with law if the judgement debtor fails to satisfy the award within the stipulated period.

However, considering the entire aspects this Tribunal passes no order as to cost.”

4. The grievance of the appellant/Claimant is that the learned Trial Court did not award any interest from the date of filing of

the claim case, but awarded the same only in case of default. Learned Advocate appearing for the insurance companies, namely, Oriental Insurance Company Limited and United India Insurance Company Limited submits that there was no latches on the part of insurance company, thus, the Learned Trial Judge did not commit any error in not awarding the interest from date of filing of the claim case.

5. Upon hearing the learned Advocates and considering the facts of the case, this court is of the view that the motor vehicles claim legislation being a beneficial legislation, there should not be any rigid view with regard to the interpretation of the provisions of the statute. Section 171 of the Motor Vehicle Act, 1988 provides that where any claim tribunal allows a claim for compensation made under this Act, such tribunal may direct that in addition to the amount of compensation, simple interest shall also be paid at such rate and from such date not earlier than the date of making the claim as it may specify in the behalf.
6. Although the awarding of the interest is the discretion of the tribunal, but it is held in different judicial pronouncements that the

tribunal should grant interest from date of application unless claimant is responsible for causing delay in final disposal of the case.

7. In the judgment and award passed by the learned Trial Judge/Tribunal, no specific reason given as to why the interest should not be granted from the date of filing of the claim case, neither there is any observation that the claimant/appellant was responsible for the delay caused.
8. In the facts and circumstances, this court is of the view that the interest should be awarded from the date of filing of the claim application.
9. Thus this appeal FMA 64 of 2024 stands disposed.
10. The judgment and award passed by learned Additional District Judge, Fast Track, First Court, Jalpaiguri in M.A.C case No.174 of 2019 on 23rd September, 2024 stands modified to the extent that the Respondent Nos. 1 and 2, namely, Oriental Insurance Company Limited and United India Insurance Company Limited shall pay the appellant/claimant interest at the rate of 6% per annum on the compensation awarded by the learned Trial Court. Such interest shall be

paid from the date of filing of the claim case till today.

11. It is submitted by the learned Advocate for the insurance companies that the principal amount of compensation is already paid. However, as the amount of interest is not paid, the insurance companies, namely, Oriental Insurance Company Limited and United India Insurance Company Limited shall pay interest at the rate of 6% per annum on Rs.5 lakh from the date of filing of the claim case till date of deposit of the principal amount. Such payment shall be made by making deposit before the Registrar, High Court, Calcutta, Circuit in Jalpaiguri within 8 weeks from the date of communication of this order.
12. The appellant/claimant will be entitled to withdraw the claim amount with regard to interest upon compliance of all necessary formalities.
13. Urgent certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(BISWAROOP CHOWDHURY, J.)