

MACC 35 of 2021

Order dated 23.07.2026

Today is fixed for judgment.

Both the Petitioner and the OPs filed appearance through Ld counsel.

Ld advocate for the Petitioner and the OPs are present.

Judgment is ready and delivered in open court.

Hence, it is

ORDERED

That the instant claim petition be and the same is allowed on contest against The Oriental Insurance Company Ltd/OP No. 2 and against the registered owner of the vehicle/OP No. 1 Mr. Rajeev Ranjan.

The Petitioners/claimants 1. Sri Gokul Chandra Roy, 2. Smt Sukla Roy, 3. Smt Gouri Roy are entitled to Rs. 11,04,500/- as compensation under section 166 of Motor Vehicle Act with interest @ 6% from the date of filing of claim petition till realization of the total compensation as awarded above. But in case of delay for more than 2 months the interest shall be calculated @ 9% after expiry of 2 months from the date of judgment for the delay period.

The OP No. 2/ The Oriental Insurance Company Ltd is directed to issue **Account Payee Cheque to the tune of Rs.3,71,500/- (Rupees Three lakh Seventy One Thousand Five Hundred only) in the name of Petitioner No. 1 Sri Gokul Chandra Roy and Account Payee Cheque to the tune of Rs. 3,66,500/- (Three Lakh Sixty Six Thousand Five Hundred only) each in the name of Petitioner No. 2 Smt Sukla Roy and Petitioner No. 3. Smt Gouri Roy** with interest at the rate as per the direction given herein above from the date of filing of claim petition till its realization.

The OP No. 2/ The Oriental General Insurance Company Ltd is directed to issue the cheques as per the above order within two months from the date of this order, in default, OP No. 2 shall be liable to pay interest @ 9% per annum from the date of default till final realization of compensation amount. The entire compensation shall be paid to the petitioners/claimants by the Insurance Company/OP No. 2.

The Petitioners/Claimants are directed to deposit the deficit court fees, if any, as per law within 30 days from the date of this judgment. Bench clerk is directed to assess the deficit court fees immediately. He is also directed not to issue the cheque to the claimants unless they deposit deficit court fees.

Bench clerk to report in case the cheque is not deposited within 60 days from the passing of this award/judgment.

An attested copy of the award be given to the Petitioners/Claimants after payment of requisite court fee.

The Petitioners/Claimants are directed to furnish the recent individual photograph along with identity proof before receiving their cheques.

The case is thus disposed off on contest.

(Protyai Chowdhury)
Judge MAC Tribunal
Addl. Dist. Judge, FTC. I
Alipurduar
JO. Code – W.B. 01009