

MACC Ex.- 06 of 2025

Reshmi Devi @ Reshama Devi & Ors.

Vs

The Commissioner of Police, Kolkata

Present: Kumkum Chattopadhyay

Order No - 03, dated 11.03.2025

Decree Holder (D.Hr.) is present by filing hazira.

D.Hr. also files an affidavit stating that being aggrieved and dissatisfied with the award passed by this Tribunal in MACC No. 80 of 2012 the D.Hr. has preferred an appeal being FMA 2207/2016 before the Hon'ble High Court which has been allowed on contest on 08.08.2024 and the same was preferred for review by the Judgment Debtor (J.Dr.) vide RVW 308/2024 which has been dismissed for default on 29.01.2025. It is also submitted by the Ld. Advocate of the D.Hr. on the strength of the said affidavit stating that neither the J.Dr. has preferred any appeal before the Hon'ble S.C.I. nor notice of any application has been served upon the D.Hr. by the J.Dr. for further appeal till date and the D.Hr. have not received any awarded amount from the Hon'ble High Court till date and further states that the J.Dr. maintains its account at State Bank of India, Alipore Court Treasury Branch being account No. FA-2235-60-200-NP-015-C-31 at 12, Biplabi Kanai Bhattacharya Sarani, Alipore, Police Line, Kolkata-27.

At the time of hearing Ld. Advocate for the D.Hr. submits that in terms of Order 21 Rule 52 the account of the J.Dr. namely The Commissioner of Police, Lalbazar Street, Kolkata-01 can be attached for the claimed amount.

Heard.

On perusal of the record it is seen that the impugned Judgment and award dated 15.03.2013 delivered in MACC 80/2012 by this Tribunal has been modified to the extent of Rs.500000/- by Judgment dated 08.08.2024 delivered in FMA No. 2207 of 2016 by the Hon'ble High Court. As such, the D.Hr. is now entitled to the balance amount of compensation of Rs. 3,40,500/- together with interest at the rate of 6% per annum from the date of filing of the claim application till deposit, since the D.Hr. have already received the amount of compensation of Rs.1,59,500/- in terms of Judgment and award dated 15.03.2013 delivered in MACC 80/2012 by this Tribunal. Also, the J.Dr. being Commissioner of Police, Lalbazar Street, Kolkata-01 was directed by the Hon'ble High Court, **“to deposit the balance amount along with interest by way of cheque before the Ld. Registrar General, High Court, Calcutta within a period of six weeks from date.”**

Considering the the affidavit sworn by the D.Hr. as well as facts of the case and material on record, and knowing that the decree has not been satisfied by the J.Dr. as of yet, I am of the view that it is necessary to issue order for attachment of the said account in respect of **₹6,02,458/-** (award including interest) of the J.Dr. which remained due.

The Branch Manager of State Bank of India, Alipore Court Treasury Branch is directed to report before this Court whether the J.Dr., being the Commissioner of Police, having office at Lalbazar Street, Kolkata-01 maintain its account being No.- FA-2235-60-200-NP-015-C-31 in the concerned Bank, if so, whether the amount of **₹6,02,458/-** (Rupees six lakh two thousand four hundred and fifty eight only) can be attached.

To **10.04.2025** for report.

D/C by me

Sd/-

Judge,

Motor Accident Claims Tribunal
(A.D.J. 3rd Court, Alipore)

Sd/- Kumkum Chattopadhyay

Judge,

Motor Accident Claims Tribunal
(A.D.J. 3rd Court, Alipore)
(WB00742)