

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA  
CIVIL APPELLATE JURISDICTION  
APPELLATE SIDE**

Present:

**The Hon'ble Justice Ananya Bandyopadhyay**

**FMA 299 of 2025**

**National Insurance Company Limited**

**Versus**

**Sunita Bera & Ors.**

**With**

**FMA 511 of 2025**

**Sunita Bera & Ors.**

**Versus**

**National Insurance Company Limited & Anr.**

For the Appellant in FMA 299 of 2025 : Sucharita Paul

For the Respondents in FMA 299 of 2025 : Mr. Siddhartha Sarkar

Heard & Judgment on : 25<sup>th</sup> September, 2025.

**Ananya Bandyopadhyay, J:**

1. The Learned Advocates representing the respective parties are present in Court.
2. The instant appeal had been filed against the judgment and award dated 21<sup>st</sup> September, 2024 passed by the Learned Judge, M.A.C. Tribunal & Additional District & Sessions Judge, 3<sup>rd</sup> Court, Paschim Medinipur in M.A.C. Case No.385 of 2018 (Reg. No.411 of 2018)

3. The Learned Advocate representing the appellant/Insurance Company submitted to have filed the instant appeal on the ground of non-involvement of the offending vehicle in occasioning the accident since an application under Section 156(3) of the Criminal Procedure Code had been filed instead of filing a complaint at the local police station. Moreover, the offending vehicle did not possess a valid route permit to ply on the road.
4. The Learned Advocate representing the respondents/claimants submitted to file the appeal being FMA 511 of 2025 aggrieved by the Learned Tribunal's decision of awarding interest at the rate of 4 % from the date of amendment of the claim application till realization of the entire amount.
5. Considered the rival contentions of the respective parties.
6. Since the occurrence of the accident, insurance policy, the driving licence, etc and other ancillary issues are not disputed by the Learned Advocate representing the appellant/insurance company, this Court restricts itself only to the extent of determine the above-mentioned issues.
7. The written complaint filed under Section 156(3) of the Criminal Procedure Code marked as Exhibit.2 was filed after two days of the occurrence of the accident mentioning the number of the offending vehicle which corroborated with the number of the offending vehicle as mentioned in the charge-sheet marked as

Exhibit.3 and accordingly the contention of the Learned Advocate representing the appellant/Insurance Company is not accepted. The document marked as Exhibit.4 collectively mentioned the seizure list to have described in Column No.4, the articles seized which, *inter alia*, stated the route permit to have been issued in favour of the owner of the offending vehicle to be valid up to 27<sup>th</sup> March, 2022 which covered the date of accident on 11<sup>th</sup> June, 2018 at about 8.30 p.m. The valid route permit being in possession of the owner of the offending vehicle negated the contention of the Learned Advocate representing the appellant/Insurance Company. The compensation as awarded by the Learned Tribunal is modified to the extent that an extra sum of Rs.14,000/- will be granted in addition to Rs.70,000/- towards general damages and the entire compensation is to be paid along with an interest of 6% from the date of filing of the application under Section 166 of the MV Act till the date of its realization.

8. The Learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 1,77,31,819/=(Rs. 25,000 + 1,52,31,819) through two separate cheques as per challan filed by the Learned Advocate representing the appellant/insurance company.
9. The Respondent Nos. 1 to 4/claimants are entitled to receive the amount of Rs. 1,31,83,968/- at the rate of 6% per cent per

annum from the date of filing of the claim application i.e. 26.06.2018 till the date of actual realization.

10. The office of the Learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited directly to the bank accounts of the respondent Nos. 1 to 4/claimants as mentioned by Learned Judge, M.A.C. Tribunal & Additional District & Sessions Judge, 3<sup>rd</sup> Court, Paschim Medinipur in M.A.C. Case No.385 of 2018 (Reg. No.411 of 2018) on proof of proper identification of the respondent Nos.1 to 4/claimants subject to payment of ad valorem Court fees and refund the balance amount if any, through a cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company.
11. The instant appeals are disposed of accordingly.
12. The interim order if any stand vacated.
13. The TCR be sent down to the concerned Tribunal forthwith.
14. Copy of the order be sent to the Department as well as the concerned Tribunal as expeditiously as possible.

**(Ananya Bandyopadhyay, J.)**