
(2025) 07 CAL CK 0827
In the Calcutta High Court, Appellate Side
Case No : FMA 364 Of 2019

National Insurance Company Limited	Vs	APPELLANT
Rajni Dhaba & Ors		RESPONDENT

Date of Decision : 17-07-2025

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2025) 07 CAL CK 0827

Hon'ble Judges : Ananya Bandyopadhyay, J

Bench : Single Bench

Advocate : Parimal Kumar Pahari, Debabrata Nanda

Final Decision : Dismissed

Judgement

Ananya Bandyopadhyay, J

1. Both the Learned Advocates representing the appellant/Insurance Company and respondent No. 1 to 4/claimants are present in Court.
2. The learned Advocate representing the respondent Nos. 1 to 4/claimants had filed an application being CAN 2 of 2025 which inter alia stated that the respondent No.4 had attained majority during the pendency of the instant appeal supported by a copy of the birth certificate as well as Aadhaar Card.
3. Department is directed to note that the respondent Nos. 4 had attained majority in the cause title of the memo of the appeal.
4. Accordingly, the application being CAN 2 of 2025 is disposed of.
5. The instant appeal had been filed against the judgment and award dated 21st December, 2018 passed by the Learned Judge, City Civil Court, 5th Bench, Calcutta in M.A.C. Case No. 99 of 2013 under Section 166 of the Motor Vehicles Act.
6. The learned Advocate representing the appellant/Insurance company

submitted that the driver of the offending vehicle being the Trailer bearing registration No. Wb-23-3218 did not possess a valid driving licence. Accordingly, the appellant/insurance company should be granted the right to pay the compensation award and thereafter recover the same from the owner of the offending vehicle.

7. The learned Advocate representing the respondent Nos. 1 to 4/claimants submitted that the learned Tribunal after considering the oral as well as documentary evidence had pronounced the impugned judgment and order and the claimants should not be deprived of the compensation so awarded.

8. The materials on record as well as impugned judgment and order did not reveal that the appellant/insurance company to agitate the point of invalid driving licence to have been possessed by the driver of the offending vehicle before the learned tribunal. More-over, no further evidence was adduced to endorse the same by the appellant/insurance company before the learned tribunal. The impugned judgment and order being reasoned is beyond interference. Under such circumstances, this Court is not inclined to interfere with the impugned judgment and order.

9. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 25,000/-through a cheque as per challan filed by the learned advocate representing the appellant/insurance company. The Learned Advocate representing the appellant/insurance company is to deposit the balance sum of Rs.2,34,200/- along with interest at the rate of 6% per annum from the date of filing of the claim application till the date of its realization before the office of the Learned Registrar General, High Court at Calcutta within two month.

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 along with accrued interest directly bank accounts of the present respondent Nos. 1 to 4/claimants as mentioned in the impugned judgment and order passed by the Learned Judge, City Civil Court, 5th Bench, Calcutta in M.A.C. Case No. 99 of 2013 under Section 166 of the Motor Vehicles Act on proof of proper identification of the respondent No.1 to 4/claimants subject to payment of ad valorem Court fees within four weeks. The office of the learned Registrar General, High Court at Calcutta will instruct the claimants to provide details of their bank accounts with relevant documentary proof, prior to such disbursal as aforesaid.

11. The instant appeal is dismissed accordingly.

12. The pending applications, if any, stands disposed of.

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.