

15.10.2026
Item No.10
Ali
ct. no.9

In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

FMA 1126 of 2022

National Insurance Company Ltd.
Vs.
Sabra Pravin & Ors.

Ms. Sucharita Paul
..... for the appellant/Insurance Co.

Ms. Trisha Rakshit,
Ms. Aishwarya Datta
..... for the respondents/claimants.

1. Learned Advocates for the parties are present.
2. Heard learned Advocates.
3. The ground challenge in this appeal is that the compensation awarded in a case under Section 163-A of the Motor Vehicles Act, 1988, is beyond what is provided under the statute. The award is challenged on different grounds.
4. Upon hearing the learned Advocates and considering that the Motor Vehicles Act has undergone some amendments and the facts that the Motor Vehicles claim legislation is beneficial legislation this Court is of the view that it would be just and reasonable to reduce the amount of compensation to Rs. 5,00,000/- which is provided under the amended provision.

5. Hence, this appeal FMA 1126 of 2022 stands disposed. The judgment and award dated 21st September, 2021 stands modified to the extent that the claimants/respondents are entitled to compensation of Rs.5,00,000/- from the appellant National Insurance Company. The appellant National Insurance Company shall deposit Rs.5,00,000/- along with interest @ 6% per annum from the date of filing of the claim case till today. Such deposit shall be made within eight weeks from the date of communication of this order.
6. In the event the compensation awarded by the learned Trial Court is deposited the balance deposit be made.
7. The claimants/respondents will be entitled to withdraw compensation upon compliance of necessary formalities.
8. This appeal **FMA 1126 of 2022** stands disposed of.
9. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Biswaroop Chowdhury, J.)