

IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION
CIRCUIT BENCH AT PORT BLAIR

PRESENT: HON'BLE JUSTICE PRASENJIT BISWAS

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NATIONAL INSURANCE COMPANY LTD.

... APPELLANT

VERSUS

SHRI. MOHAMMED ASLAM AND ANOTHER ... RESPONDENTS

For the Appellant	: Mr. N.A.Khan
For the Respondent No. 1	: Mrs. Anjili Nag, Sr. Adv. Mr. Deb Kumar Bawali
For the Respondent No. 2	: Mr. Arul Prasanth
Heard on	: 24.09.2026
Judgment on	: 29.09.2026

PRASENJIT BISWAS, J.

1. The instant appeal is directed against the impugned award/order dated 17.01.2018 passed by the Motor Accident Claim Tribunal, Andaman and Nicobar Islands in connection with MACT Case No. 14 of 2012.

2. By passing the impugned award learned Claim Tribunal awarded compensation in favour of the claimant/respondent No.1 to the tune of Rs. 7,90,000/- along with interest @ 9% per annum

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of the claimed amount from the date of filing of the MACT case till realization of cheque.

3. Being aggrieved by and dissatisfied with the said award the instant appeal has been preferred at the instance of the appellant/National Insurance Company Limited.

4. The claimant instituted the claim petition before the learned Tribunal, stating, *inter alia*, that on 27.10.2011 at about 12:00 noon, he was proceeding from Port Blair towards Nayapuram while riding his motorcycle bearing Registration No. AN-01-F-4529. When he reached Tushnabad Junction, the offending vehicle, namely, a Maruti Car bearing Registration No. AN-01-F-2147, allegedly came from the opposite direction at a high speed and was being driven in a rash and negligent manner. It is alleged that the said vehicle dashed against the motorcycle of the claimant, as a result whereof he sustained grievous fracture injuries.

5. Immediately following the accident, the claimant was taken to the PHC, Tushnabad for medical treatment. Considering the nature and severity of his injuries, he was thereafter referred to Chennai for further treatment. The claimant underwent treatment at K.M. Specialty Hospital, Chennai, from 28.10.2011 to 04.11.2011.

6. It is further stated in the claim petition that, on the basis of the complaint lodged by the claimant before Ograbraj Police Station,

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a criminal case, being Ograbraj P.S. Case No. 203 of 2011 dated 27.10.2011, was registered against the driver of the offending Maruti Car bearing Registration No. AN-01-F-2147 under Sections 279/337 of the Indian Penal Code.

7. It appears from the record that, although notice was duly served upon the owner of the offending vehicle, she did not enter appearance before the learned Tribunal or contest the claim proceeding. The present appellant, National Insurance Company Limited, however, entered appearance and filed its written statement contesting the claim.

8. In its written statement, the appellant-Insurance Company denied the material allegations made in the claim petition and, in particular, disputed the allegation of rash and negligent driving on the part of the driver of the alleged offending vehicle. It was specifically contended on behalf of the Insurance Company that, at the relevant time, the driver of the offending vehicle was not driving the vehicle in a rash or negligent manner and that the accident could not be attributed to any negligence on his part.

9. In support of his claim, the claimant adduced oral evidence and also produced certain documents before the learned Tribunal. The documents so produced were duly marked as exhibits during the course of the proceeding. The claimant relied upon such oral and documentary evidence to establish the occurrence of the

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accident, the injuries sustained by him, the treatment undergone and the expenses incurred in consequence thereof.

10. Upon consideration of the pleadings of the parties, the oral evidence adduced by the claimant, the documentary evidence brought on record and the submissions advanced before it, the learned Tribunal proceeded to assess the claim. After appreciating the evidence in its entirety, the learned Tribunal allowed the claim petition and passed the impugned award in favour of the claimant.

11. The present appeal has thereafter been preferred by the appellant-Insurance Company questioning the legality and sustainability of the said award.

12. Mr. N.A. Khan, learned Advocate appearing for the appellant-Insurance Company, has assailed the maintainability as well as the quantum of the claim awarded by the learned Tribunal. He submits that the claim petition filed by the claimant for compensation is not sustainable in law, primarily on the ground that the income disclosed by the claimant exceeds the prescribed income ceiling contemplated under Section 163A of the Motor Vehicles Act.

13. Learned Advocate submits that, according to the claimant's own pleading, his monthly income was Rs.13,285/-. Consequently, his annual income works out to Rs.1,59,420/-, which is substantially higher than the annual income ceiling of Rs.40,000/-

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contemplated under the Second Schedule to the Motor Vehicles Act for claims under Section 163A. According to the learned Advocate, once the claimant himself pleaded an annual income exceeding the statutory ceiling, he could not have pursued the claim under Section 163A and the Tribunal ought not to have entertained or adjudicated the claim under the said provision.

14. It is further submitted that the learned Tribunal, while determining the compensation, could not have awarded any amount or made any addition which is not contemplated by the statutory scheme governing a claim under Section 163A. Learned Advocate submits that liability under Section 163A, at the relevant point of time, was founded upon a structured formula and, consequently, the compensation was required to be assessed with reference to the Second Schedule appended to the Act. According to him, the Tribunal was required to adhere to the parameters prescribed under the statutory formula and could not travel beyond the same while assessing the compensation payable to the claimant.

15. Learned Advocate has further challenged the evidentiary basis upon which the claim was adjudicated. It is submitted that the FIR and charge-sheet were not formally marked as exhibits before the learned Tribunal. According to the learned Advocate, these documents constituted material evidence concerning the

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occurrence of the accident and the circumstances in which the accident allegedly took place. Their non-exhibition, according to him, creates a serious deficiency in the claimant's case regarding proof of the accident.

16. It is further submitted that, although the claim petition was initially instituted under Section 166 of the Motor Vehicles Act and was subsequently converted or treated as a petition under Section 163A, the substantive pleadings and contents of the claim petition remained unchanged. Learned Advocate submits that mere change in the statutory provision under which the claim was ultimately proceeded with could not alter the evidentiary requirements or cure the deficiencies in the claimant's original case.

17. In this connection, learned Advocate has drawn the attention of this Court to the relevant portion of the impugned award wherein the learned Tribunal has recorded the documents which were marked as exhibits on behalf of the respective parties. According to him, a perusal of the award would demonstrate that neither the complaint nor the charge-sheet was formally exhibited before the Tribunal. On such basis, it is argued that the claimant failed to establish the occurrence of the alleged accident by producing and proving the relevant contemporaneous documents.

18. Learned Advocate accordingly submits that the Tribunal ought to have examined the claim strictly within the statutory

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framework applicable to Section 163A of the Motor Vehicles Act. According to him, the structured formula contained in the Second Schedule constituted the governing basis for computation of compensation and the Tribunal had no authority to depart from the prescribed parameters or to grant amounts beyond what was permissible under the said statutory scheme.

19. It is, therefore, contended that the learned Tribunal, in entertaining the claim despite the claimant's disclosed annual income being substantially above Rs.40,000/-, and in awarding compensation without strictly adhering to the structured formula applicable to Section 163A, committed an error of law. It is further contended that non-exhibition of the FIR, complaint and charge-sheet further renders the factual foundation of the claim doubtful.

20. On these grounds, learned Advocate for the appellant-Insurance Company submits that the impugned award suffers from illegality and material irregularity, both in relation to the maintainability of the claim under Section 163A and the manner in which the compensation was assessed. He accordingly prays that the impugned award passed by the learned Tribunal be set aside and the appeal be allowed.

21. Mrs. Anjili Nag, learned Senior Advocate appearing for the claimant/respondent No. 1, has submitted that there is no infirmity, illegality or material irregularity in the impugned award

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passed by the learned Tribunal warranting interference by this Court in the appellate jurisdiction.

22. Learned Senior Advocate submits that the occurrence of the accident has never been disputed by the appellant-Insurance Company. In support of such submission, she has drawn the attention of this Court to the cross-examination of PW 1, where the suggestion put to the witness was that the accident had occurred due to the fault of the claimant himself and not on account of any fault or negligence on the part of the driver of the offending vehicle. According to the learned Senior Advocate, such a suggestion itself proceeds on the admitted premise that the accident had in fact occurred.

23. The attention of this Court has further been drawn to the written statement filed by the appellant-Insurance Company, wherein a specific defence was taken that there was no rash or negligent driving on the part of the driver of the alleged offending vehicle at the relevant point of time and that the driver was driving the vehicle with due care and caution, at a moderate speed and in compliance with all traffic rules. It is, therefore, submitted that, although negligence was specifically disputed, the very occurrence of the accident was never denied by the appellant. According to the learned Senior Advocate, the defence of the Insurance Company was essentially confined to the manner in which the accident

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occurred and the question of negligence, and not to the occurrence of the accident itself.

24. It is next submitted that, merely because the written complaint, FIR and charge-sheet were not formally marked as exhibits before the learned Tribunal, the same by itself cannot be treated as fatal to the claim of the claimant, particularly when the occurrence of the accident was otherwise brought on record through oral and documentary evidence. In support of such contention, learned senior Advocate has placed reliance upon the judgment of the Hon'ble Supreme Court in ***Vimla Devi and Others vs. National Insurance Company Limited and Another***, in **Civil Appeal No. 11042 of 2018, arising out of SLP (C) No. 17321 of 2018** (Paragraph 33).

25. Relying upon the aforesaid decision, learned senior Advocate submits that where relevant documents were referred to by the parties during the course of recording of evidence but were not formally exhibited by the Court, the claimant cannot, merely on that ground, be deprived of his or her legitimate right to claim compensation, particularly when the foundational facts relating to the accident have otherwise been established from the materials available on record.

26. It is further submitted that, in the present case, the annual income of the deceased/victim was shown to be more than

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Rs.40,000/- per month and that the appellant-Insurance Company had raised an objection that, in view of such income, the claim petition under Section 163A of the Motor Vehicles Act was not maintainable. Learned Advocate, however, submits that the said objection is legally unsustainable. In support of her contention, she has relied upon the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited vs. Smt. Saroj and Others***, reported in **(2009) 13 SCC 508**, particularly paragraphs 14, 15 and 16 thereof.

27. According to the learned Advocate, the aforesaid decision makes it clear that the mere fact that the income of the victim exceeded the amount contemplated under the structured formula under Section 163A would not, in the facts and circumstances of the present case, by itself render the claim petition non-maintainable. It is, therefore, submitted that the objection raised by the appellant-Insurance Company on the ground that the victim was earning more than Rs.40,000/- per month cannot, by itself, defeat the claim of the claimant.

28. Mrs. Nag, learned Advocate has further submitted that the learned Tribunal was competent to assess the materials available before it and to determine the just compensation payable to the claimant. Unless the award is shown to suffer from any patent illegality, perversity or material error in appreciation of the

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evidence, interference in appeal is not warranted. In support of such proposition, reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***Puttamma vs. K.L. Narayana Reddy***, reported in **2013 PLRonline 0101**, particularly paragraph 56 thereof.

29. It is also submitted that, although the claim petition was initially instituted under Section 166 of the Motor Vehicles Act, the same was subsequently converted into a petition under Section 163A of the Act. According to the learned Advocate, such conversion is permissible in law and the Tribunal did not commit any jurisdictional error in proceeding with the claim under Section 163A. In support of this contention, reliance has been placed upon the decision of the Bombay High Court in ***The Divisional Manager, United India Insurance Co. Ltd. vs. Kasabi Suryabhan Farkade (Died), Sanjay Suryabhan Farkade and Ors.*** in First Appeal No.282 of 2003. Relying upon the said decision, learned Advocate submits that the Tribunal possesses the requisite jurisdiction and discretion, in an appropriate case, to treat or convert a claim originally instituted under Section 166 into one under Section 163A, subject to the requirements of law.

30. Lastly, learned Advocate submits that the Motor Vehicles Act is a piece of beneficial legislation intended to provide effective and expeditious relief to victims of motor vehicle accidents and their

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dependants. Therefore, while adjudicating a claim for compensation, the Court should adopt a pragmatic and justice-oriented approach and should not permit mere procedural or technical objections to defeat a substantive claim, particularly where the occurrence of the accident and the entitlement to compensation are otherwise established from the evidence on record.

31. On the aforesaid grounds, learned Senior Advocate appearing for the claimant/respondent No. 1 submits that the impugned award does not suffer from any such illegality or infirmity as would warrant appellate interference. She accordingly prays that the instant appeal be dismissed and the award passed by the learned Tribunal be affirmed.

32. I have considered the rival submissions advanced by both the parties.

33. At the outset, it appears from the record that the claim petition was initially instituted by the claimant under Section 166 of the Motor Vehicles Act, seeking compensation for the injuries sustained by him in the motor vehicle accident. Subsequently, the learned Tribunal proceeded to treat the claim as one under Section 163A of the Motor Vehicles Act. The principal objection raised on behalf of the appellant-Insurance Company is that such conversion

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was impermissible and that the learned Tribunal committed an error in proceeding with the claim under Section 163A.

34. I am unable to accept the said contention. The question as to whether a claim petition initially presented under Section 166 of the Motor Vehicles Act can, in an appropriate case, be treated or converted as a petition under Section 163A has been considered by the Hon'ble Bombay High Court in ***The Divisional Manager, United India Insurance Co. Ltd. (supra)***. Having regard to the principle laid down therein, it cannot be said as an absolute proposition of law that a claim petition once instituted under Section 166 can never be converted or treated as a proceeding under Section 163A. The Tribunal, depending upon the facts and circumstances of the case and the nature of the claim, may consider such course where the statutory requirements are otherwise satisfied.

35. Therefore, merely because the proceeding was initially instituted under Section 166 and was subsequently proceeded with under Section 163A, the award cannot, on that ground alone, be held to be without jurisdiction. In the facts of the present case, I find no sufficient ground to accept the submission advanced on behalf of the appellant-Insurance Company that the learned Tribunal committed an error in treating the claim petition under Section 163A of the Motor Vehicles Act.

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36. It is not in dispute that the income pleaded in the claim petition was Rs.13,285/- per month. Thus, the annual income works out to Rs.1,59,420/-, which is admittedly higher than the ceiling of Rs.40,000/- referred to in the Second Schedule to the Motor Vehicles Act, as applicable to claims under the structured formula contemplated under Section 163A. The appellant-Insurance Company has sought to contend that, since the claimant himself disclosed an annual income exceeding Rs.40,000/-, the claim under Section 163A was not maintainable. The question, therefore, is whether the income ceiling referred to by the appellant, by itself, renders the claim petition liable to be rejected. The said contention also does not commend acceptance in view of the judgment of the Hon'ble Supreme Court in case of **Smt. Saroj (supra)**. The said decision has specifically considered the issue relating to the maintainability of a claim under Section 163A where the income of the victim exceeded the amount of Rs.40,000/- contemplated under the structured formula. The Hon'ble Supreme Court did not treat the income figure as an absolute bar which would, in every circumstance, render the claim petition non-maintainable.

37. More importantly, the Hon'ble Supreme Court reiterated that the compensation to be determined by the Tribunal must be just and fair. The determination of compensation cannot be reduced to

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a purely mechanical exercise divorced from the facts and circumstances of the individual case. The Court is required to assess the actual pecuniary loss and the consequences flowing from the accident in accordance with the applicable legal principles.

38. Paragraphs 13, 14, 15 and 16 of the judgment in **Smt. Saroj (supra)** are particularly relevant in this context. The Hon'ble Supreme Court observed that the amount of compensation must be just and that, while determining such compensation, the Court is required to take into consideration the monetary loss suffered or likely to be suffered by the heirs and legal representatives, while ensuring that the award does not become a source of windfall. The Court further emphasised the relevance of future prospects and observed that the compensation has to be determined on recognised legal principles rather than on conjecture or hypothesis.

39. The Hon'ble Supreme Court, while referring to its earlier decision in **Abati Bezbaruah vs. Deputy Director General, Geological Survey of India & Anr., (2003) 3 SCC 148**, also reiterated that the structured formula ordinarily furnishes a guideline for determination of compensation, but that the ultimate object remains the determination of compensation which is just and fair in the facts and circumstances of each case. Thus, the mere fact that the income disclosed by the claimant exceeded

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Rs.40,000/- cannot, in the facts of the present case, by itself constitute a sufficient ground for rejecting the claim at the threshold. The Tribunal was required to consider the claim on its own merits and determine the compensation in accordance with the governing principles of law. Accordingly, the objection raised by the appellant on this score cannot be accepted as a ground for setting aside the impugned award.

40. Another contention raised by the appellant is that the written complaint, FIR and charge-sheet were neither filed nor formally exhibited before the learned Tribunal and, therefore, the claimant failed to establish the occurrence of the accident. I am unable to accept the said contention in the manner in which it has been advanced. It is true that the complaint, FIR and charge-sheet were not exhibited before the learned Tribunal. However, the mere non-exhibition of those documents cannot, by itself, lead to the conclusion that the occurrence of the accident was not established, particularly when the factum of the accident was never specifically denied by the appellant-Insurance Company.

41. The pleadings and cross-examination of the Insurance Company assume considerable significance in this regard. In its written statement, the appellant-Insurance Company did not take the stand that no accident had occurred at all. On the contrary, its specific defence was that there was no rash or negligent driving on

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the part of the driver of the offending vehicle and that the driver had been driving the vehicle with due care and caution, at a moderate speed and in accordance with the traffic rules. Thus, the defence raised by the Insurance Company proceeded on the premise that the accident had occurred, while disputing the manner in which it occurred and the question of negligence.

42. The same position is reflected in the cross-examination of PW 1. A specific suggestion was put to the witness that the accident had occurred due to the fault of the claimant himself and not due to any fault on the part of the driver of the offending vehicle. Such a suggestion, by its very nature, proceeds on the assumption that the accident had taken place. The controversy sought to be raised by the appellant was, therefore, essentially with regard to the cause of the accident and the attribution of negligence, and not with regard to the very occurrence of the accident.

43. In such circumstances, the appellant cannot, at the appellate stage, take a wholly different stand that the accident itself was never established merely because the FIR or charge-sheet was not formally exhibited.

44. The principle laid down by the Hon'ble Supreme Court in **Vimla Devi (supra)** is also relevant in this context. The Hon'ble Supreme Court recognised that a claim for compensation ought not to be defeated merely on account of a procedural lapse relating to

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the exhibition of documents, particularly where the relevant facts have otherwise been brought on record by oral and documentary evidence and the opposite party had an adequate opportunity to contest the same. The underlying principle is that proceedings before the Motor Accident Claims Tribunal are intended to provide substantive justice to victims of motor vehicle accidents. Procedural requirements relating to proof and exhibition of documents cannot be applied in such a rigid manner as to defeat an otherwise legitimate claim, particularly where the material fact is not genuinely in dispute between the parties.

45. In the present case, the position is even more significant because the appellant-Insurance Company did not dispute the occurrence of the accident in its written statement. Rather, it sought to attribute the accident to the fault of the claimant. The appellant was, therefore, fully conscious of the factual foundation of the claim and had the opportunity to contest the manner and cause of the accident.

46. Consequently, the absence of formal exhibition of the complaint, FIR or charge-sheet cannot, in the facts of the present case, be treated as fatal to the claimant's case. The appellant cannot simultaneously proceed on the basis that the accident occurred due to the claimant's own fault and, at the same time,

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contend that the occurrence of the accident itself was not established.

47. Upon consideration of the pleadings, the evidence of PW 1, the suggestions put to the witness in cross-examination and the specific defence taken in the written statement, it appears that the factum of the accident was not a disputed issue before the learned Tribunal. The real controversy was with regard to the manner in which the accident occurred and the question of negligence. Therefore, the objection founded solely upon the non-exhibition of the FIR, complaint and charge-sheet does not furnish a sufficient ground for interference with the impugned award.

48. Accordingly, the aforesaid contentions raised on behalf of the appellant-Insurance Company do not persuade this Court to hold that the claim petition was either not maintainable under Section 163A of the Motor Vehicles Act or that the claimant's case was liable to fail merely because the FIR, complaint and charge-sheet were not formally exhibited before the learned Tribunal.

49. It is true that the instant claim petition was instituted by the claimant/petitioner under Section 163A of the Motor Vehicles Act, which, at the relevant point of time, contemplated a no-fault liability regime, with compensation to be determined in accordance with the structured formula contained in the Second Schedule to the Act. However, while considering the quantum of compensation

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payable to an accident victim, the Court cannot lose sight of the subsequent development of law by the Hon'ble Supreme Court concerning the principles governing the award of just and reasonable compensation.

50. In this regard, the decision of the Hon'ble Supreme Court in ***Raj Kumar Das (D) Thr. Lrs. vs. National Insurance Co. Ltd.***, reported in **2026 SCC OnLine SC 930**, assumes considerable significance. The Hon'ble Supreme Court, while considering a claim originally instituted under Section 163A of the Act, specifically took note of the inadequacies and defects in the Second Schedule and observed that a rigid application of the structured formula, particularly after the passage of considerable time and the subsequent evolution of the law relating to just compensation, may not adequately recompense an accident victim.

51. In paragraph 21 of the said judgment, the Hon'ble Supreme Court referred to the earlier decision of the three-Judge Bench in ***U.P. State Road Transport Corporation vs. Trilok Chandra, (1996) 4 SCC 362*** wherein it was noticed that the computation prescribed under the Second Schedule suffered from several defects and that the table contained numerous mistakes. Consequently, the Second Schedule was held to be capable of being used only as a guide. The Hon'ble Supreme Court also referred to the principles reiterated in ***National Insurance Co. Ltd. vs.***

Pranay Sethi, (2017) 16 SCC 680 emphasising that compensation must be fair, realistic and commensurate with the actual loss suffered.

52. The observations of the Hon'ble Supreme Court in paragraphs 21 to 23 of **Raj Kumar Das (supra)** are particularly relevant. The Court observed, inter alia, that although the claim had been filed under Section 163A, the Court could not lose sight of the inadequacy of the amounts contemplated under the Second Schedule, particularly in view of the passage of time and the subsequent development of the law relating to just compensation. The Hon'ble Supreme Court further observed that a claimant may not always invoke the provision best suited to the nature of the claim, but such lack of legal awareness, by itself, cannot operate to deny just compensation once the foundational facts are established. The Court also emphasised that, being welfare legislation, the Motor Vehicles Act requires the Court to look beyond mere technicalities of procedure.

53. The ratio of the aforesaid decision is of considerable relevance to the present case. The fact that the claim petition was instituted under Section 163A cannot be construed to mean that the Court is required to adopt a mechanical or excessively restrictive approach to the determination of compensation, particularly where such an approach would result in inadequate

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recompense for the injuries and losses actually suffered by the claimant. The ultimate object of the adjudicatory process under the Motor Vehicles Act is to ensure that the victim receives compensation which is just, fair and commensurate with the consequences of the accident.

54. The same principle also finds support from the judgment of the Hon'ble Supreme Court in **Smt. Saroj (supra)**, wherein it was reiterated that the amount of compensation determined by the Tribunal must be just. The expression "just compensation" necessarily requires the Tribunal and the appellate Court to consider the actual circumstances of the victim, the nature and extent of the injuries, the treatment undergone, the expenses incurred and the future consequences flowing from the accident, rather than mechanically applying a formula in a manner which defeats the object of the legislation.

55. In the present case, the learned Tribunal, after considering the materials available on record, awarded a sum of Rs.5,00,000/- towards the medical treatment of the claimant at Chennai and a further sum of Rs.10,000/- towards his local medical treatment at Port Blair. The learned Tribunal also awarded Rs.80,000/- towards travelling expenses and Rs.1,00,000/- towards mental agony and suffering. In addition thereto, the Tribunal awarded Rs.50,000/- towards future treatment and Rs.50,000/- towards future loss.

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56. Thus, the learned Tribunal ultimately awarded a total sum of Rs.7,90,000/- in favour of the claimant. The Tribunal further directed the appellant-National Insurance Company to comply with the award within one month from the date of the order, with a further direction that, in the event of non-compliance, the claimant would be at liberty to execute the award in accordance with law.

57. On consideration of the award as a whole, I find that the learned Tribunal did not proceed merely on a mechanical application of the structured formula. Rather, the Tribunal took into consideration the actual expenses incurred by the claimant, including the cost of treatment at Chennai, local treatment at Port Blair, travelling expenses, mental agony and suffering, as well as the requirement of future treatment and future loss.

58. The approach adopted by the learned Tribunal is also consistent with the principle that compensation under the Motor Vehicles Act is intended to provide reasonable recompense for the loss and suffering occasioned by the accident. The assessment of compensation must necessarily involve consideration of the individual circumstances of the claimant, and an appellate Court would not ordinarily interfere with the award merely because another method of computation may also be conceivable. Interference would be warranted where the award is shown to be

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founded upon an erroneous principle, unsupported by the evidence, or otherwise suffers from illegality or material irregularity.

59. In the present case, upon consideration of the materials on record and the reasons assigned by the learned Tribunal, I do not find any such illegality, perversity or material irregularity in the impugned award as would warrant interference by this Court. The appellant has not been able to demonstrate that the learned Tribunal adopted an impermissible principle of assessment or that the amount awarded is so disconnected from the materials on record as to call for appellate interference.

60. On the contrary, having regard to the principles laid down by the Hon'ble Supreme Court in **Raj Kumar Das (supra)** and **Smt. Saroj and Others (supra)**, the Court is required to ensure that the claimant receives just compensation and that a claim is not defeated merely by an overly technical application of the procedural or computational framework applicable to Section 163A.

61. Accordingly, I find no sufficient ground to interfere with the impugned award dated 17.01.2018 passed by the learned Tribunal in MACT Case No. 14 of 2012.

62. The appeal, therefore, fails and is **dismissed**.

63. The impugned award dated 17.01.2018 passed by the learned Tribunal in MACT Case No. 14 of 2012 is hereby affirmed.

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64. It appears that the period originally granted to the appellant-Insurance Company for compliance with the impugned award has already expired. Accordingly, the appellant-Insurance Company is directed to comply with the directions contained in the impugned award and deposit/pay the awarded amount within two months from the date of this order.

65. If the appellant-Insurance Company fails to comply with the aforesaid direction within the stipulated period, the claimant shall be at liberty to take appropriate steps for execution of the award in accordance with law.

66. Let a copy of this judgement along with Trial Court Record be sent down to the Trial Court immediately.

67. Urgent Photostat certified copy of this judgement, if applied for, be given to the parties on priority basis on compliance of all legal formalities.

(PRASENJIT BISWAS, J.)