

Form No. J(2)

District: Purba Medinipur

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction

Appellate Side

Present :

The Hon'ble Justice Ananya Bandyopadhyay

FMA 573 OF 2020

BISWAMOY JANA

VS

NATIONAL INSURANCE CO. LTD & ANR

Mr. Jayanta Kumar Mandal

Mr. Sayantan Rakshit

... for the appellant/claimants

Mr. Rajesh Singh

... for the respondents/Insurance Company

Heard on : 28.07.2025

Judgment on : 28.07.2025

Ananya Bandyopadhyay J.

1. The Learned Advocates representing the appellant/claimant as well as respondent No.1/insurance co. are present in Court.
2. The instant appeal had been filed against judgment and order dated 28th August, 2019 passed by the Learned Judge, Motor Accident Claims Tribunal cum Fast Track 1st Court, Contai, Purba Medinipur in M.A.C.C. Case No. 69 of 2015/18 of 2015.
3. An application under Section 166 of the Motor Vehicle Act, had been preferred by the father of the injured victim, an eight years

six months old male child who suffered 40% disablement in an accident which occurred on 21st November, 2014 at about 4:30 PM at Manikpar Bus Stand Contai, Rasulpur Road within the jurisdiction of Contai Police Station with involvement of offending vehicle being a Trekker bearing registration No.WB-31/2617 which proceeding recklessly, rashly and negligently hit the victim who fell down on the road and incurred injury on several parts of its body.

4. The Learned Advocate representing the appellant/claimant submitted that the Learned Tribunal had erroneously computed the compensation award without considering the monthly income of the victim as well as the physical disablement in its proper perspective applying the multiplier method.

5. The Learned Advocate representing the respondent No.1/Insurance Company submitted that the Learned Tribunal after considering the relevant aspect had justifiably assessed the compensation awarded which should not be interfered.

6. Considered the rival submissions of the respective parties.

7. Since, the occurrence of the accident, involvement of the offending vehicle, driving licence, route permit and insurance policy etc. have not been disputed by the learned Advocate representing the respondent No.1/insurance company, this Court restricts itself only to the extent of issues agitated by the respective parties.

8. The impugned judgment and order is reasoned considering the loss of income as well as the medical expenditure. Moreover, the Doctor who had examined the child prescribed the same to be fit to

join School marked as Exhibit-3 series, obliterating the possibility of functional disability. However, the impugned judgment and order is modified only to the extent of granting an additional sum of Rs.45,000/- towards pain and suffering.

9. The Learned Advocate representing the respondent No.1 Insurance Company is to deposit a sum of Rs.45,000/- (Rupees Forty Five Thousand) along with interest at the rate of 6% per annum from the date of filing of the application under Section 166 of the M. V Act till the date of its realization. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal & Ors.¹ the appellant/claimant is to provide the details of Bank Accounts held in the name of the appellant/claimant at the office of the learned Registrar General, High Court at Calcutta for disbursement of the compensation amount.

10. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 45,000/- along with interest as aforesaid before the office of the learned Registrar General High Court at Calcutta within 10 weeks from the date of passing of this order.

11. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and, thereafter, disburse the same directly to the bank accounts of the present appellant/claimant as mentioned in the impugned judgment and order passed by the Learned Judge, Motor Accident Claims Tribunal cum Fast Track 1st

Court, Contai, Purba Medinipur in M.A.C.C. Case No. 69 of 2015/18 of 2015 on proof of proper identification of the appellant/claimant subject to payment of ad valorem Court's fees within four weeks.

12. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal & Ors.² the appellants/claimants are to provide the details of Bank Accounts held in the name of the appellants/claimants at the office of the learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.

13. The instant appeal is disposed of accordingly.

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

15. The TCR be sent down to the concerned Tribunal forthwith.

16. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(**Ananya Bandyopadhyay, J.**)

¹ 2025 INSC 361

² 2025 INSC 361