

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 112 of 2021

**Subarna Kumar Das
Versus
SBI General Insurance Company Limited & Anr.**

For the Appellant : Saidur Rahaman

For the Respondent nos.1. : Mr. Rajesh Singh

Heard & Judgment on : 22nd 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 13th April, 2022 passed by the Learned Judge, Motor Accident Claims Tribunal, ADJ, 3rd Court, Barasat, North 24-Parganas in MAC Case No.174 of 2016 under Sections 166 of the Motor Vehicles Act, 1988.
3. An application under Section 166 of the MV Act had been filed by the claimant on account of death of the victim in an accident

which occurred on 15.07.2015 at about 22 hours with the involvement of the offending vehicle being Tata Indica bearing registration No.WB-25E/9890 which proceeding at an excessive speed rashly and negligently clashed with the victim and thereafter sustained injuries detected to the extent of 60% physical disablement as assessed by a medical board constituted by the Government Medical College of North 24-Parganas.

4. The Learned Advocate representing the appellant/claimant claimed to have filed the instant appeal exclusively on the ground that the Learned Tribunal did not consider the monthly income of the victim to be Rs.50,000/- as stated in the claim application being professing as a private tutor. A meager amount of Rs.3,000/- was considered to be the monthly income of the victim.
5. The Learned Advocate representing the respondent/Insurance Company submitted in absence of corroborative, oral and documentary evidence, the Learned Tribunal was justified in granting the compensation awarded.
6. Considered the rival contentions of the respective parties.
7. Since the occurrence of the accident, insurance policy, the driving licence, route permit etc and other ancillary issues are not disputed by the Learned Advocate representing the

appellant/claimant, this Court restrict itself only to the extent of determine the above-mentioned issues. Since the accident occurred in the year 2015, the monthly income of the victim to be Rs.5,000/- will not be improbable. The other aspects in computation of the compensation reflected the element of future prospect to have not been granted in favour of the victim.

8. Considering the observations of the Hon'ble Apex Court in National insurance company Ltd. Vs. Pranay Shetty & Anr¹ and Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr.² The impugned award of Rs. 3,88,738/- is modified as follows:

Monthly Income	Rs. 5,000/-
60 % Disability	Rs. 3,000/-
Annual Income (3000x12)	Rs. 36,000/-
10% future prospect	Rs. 3,600/-
	<u>Rs. 39,600/-</u>
Multiplier to be "9"	X 9
	<u>Rs. 3,56,400/-</u>
Medical expenses	Rs. 1,40,938/-
	<u>Rs. 4,97,338/-</u>
Add Non pecuniary expenses	Rs. 75,000/-
	<u>Rs. 5,72,338/-</u>
Less awarded by Ld. Tribunal	<u>Rs. 3,88,738/-</u>
Enhancement-	<u>Rs. 1,83,600/-</u>

9. The Learned Advocate for the appellant/claimant submitted that the appellant/claimant have withdrawn a sum of Rs. 3,88,738/- The appellant/claimant is entitled to a sum of Rs. 1,83,600/- along

1 2017(4)TAC 673(S.C)

with interest at the rate of 6% per annum to be paid from the date of filing of the claim application till the date of its realization.

10. In view of the observation of the Hon'ble Supreme Court in *Parminder Singh Vs. Honey Goyal & Ors.*³. The appellants/claimant is to provide the details of Bank Account held in the name of the appellant/claimant at the office of the Learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.
11. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,83,600/- along with interest as aforesaid before the office of the Learned Registrar General, High Court at Calcutta within two months from the date of passing of this order.
12. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and, thereafter, disburse the entire awarded amount so deposited with accrued interest directly to the bank account of the present appellant/claimant as mentioned in the impugned judgment and award passed by Learned Judge, Motor Accident Claims Tribunal, ADJ, 3rd Court, Barasat, North 24-Parganas in MAC Case No.174 of 2016 under Sections 166 of the Motor Vehicles Act, 1988 on proof of proper identification of the appellant/claimant subject to payment of ad valorem Court's fees.

² (2009) 6 SC 121

³ 2025 INSC 361

13. The instant appeal is disposed of accordingly.
14. The pending applications, if any, stands disposed of.
15. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

Mithun Ar. Ct.