

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 468 of 2024

**Chanda Pal Kundu & Anr.
Versus**

The National Insurance Company Ltd. & Anr.

For the Appellants : Mr. Saidur Rahaman

For the Respondent No.1/
Insurance co. : Mr. Rajesh Singh

Heard on : 06.03.2025, 23.04.2025

Judgment on : 17th July, 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 2nd December, 2023 passed by the learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, Fast Track Court, Balurghat, Dakshin Dinjapur in M.A.C. Case No. 150 of 2021.

3. Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that the learned tribunal had erroneously computed the monthly income to be Rs. 6820/- considering Rs. 310 to be earned per day for 22 days. More-over, the claimants had been aggrieved since the component of interest was granted at the rate of 6% per annum from the date of passing of the impugned judgment and order till the date of its realization.
4. The learned Advocate representing the respondent No.1/Insurance Company submitted that the appellants/claimants had received an enhanced sum of Rs. 1,7656/- since the victim was a Bachelor and the general damages should have been considered to the extent of Rs. 30,000/- and with an enhancement of 10% every three years the amount of Rs. 36,000/- should have been granted whereas the learned Tribunal had considered the same to be Rs. 70,000/-.More-over, the element of future prospect was assessed to the extent of 50% instead of 40%. However, the respondent No.1/insurance company had disbursed the sum of Rs. 11,74,840/- complying the impugned judgment and order.
5. Considered the rival contentions of the Learned Advocates representing the respective parties.

6. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues have not been disputed by the learned advocate representing the respondent No.1/insurance company, this Court restricts itself only to consider the point agitated by both the parties. The evidence of P.W.3 in cross examination revealed that the victim had been working at Ma Annapurna Jute and Carpet Industries Pvt. Ltd. the payment of disbursement on daily basis and register with regard to such endorsement of payment corresponding to day to day payment, had not been produced before the learned tribunal. It was further submitted that the organization did not maintain any register for daily basis payment. Accordingly, it transpired that the appellants/claimants had received the excess sum of Rs.1,07,656/ which was to be adjusted with the interest to be computed at the rate of 6% per annum from the date of filing of the claim application till date of passing of the order.
7. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal & Ors.¹ the appellants/claimants are to provide the details of Bank Accounts held in the name of appellants/claimants at the office of the

¹ 2025 INSC 361

learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.

8. The Learned Advocate for the respondent No.1/insurance company is to calculate such differential sum and deposit the same before the office of the learned Registrar General, High Court Calcutta within two months from the date of passing of this order.
9. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, Fast Track Court, Balurghat, Dakshin Dinjapur in M.A.C. Case No. 150 of 2021 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
10. The instant appeal is disposed of accordingly.
11. The pending applications if any stands disposed of.
12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

