

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 723 of 2023

Manoj Singh

Versus

The New India Assurance Co. Ltd. & Anr.

For the Appellant : Mr. Sanat Kumar Mullick
Mr. Saswata Bhattacharjee

For the Respondents : Mrs. Sucharita Paul

Heard & Judgment on : 19th August, 2025.

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present in Court.
2. The instant appeal had been preferred against the impugned judgment and award dated 06.03.2019 passed by the Learned Judge, Motor Accident Claims Tribunal, Bench – XIII, City Civil Court, Calcutta in MAC Case No. 183 of 2011.
3. The Learned Advocate representing the appellant submitted to have filed the instant appeal on the ground that the Learned Tribunal did not calculate the compensation awarded considering the multiplier method. Moreover, the multiplier method and the

aspect of future prospect as well as the loss of amenities had not been considered.

4. The Learned Advocate representing the respondent/Insurance Company submitted that the evidence of the victim/claimant as well as the medical report would reveal that the victim was able to walk freely without any assistance. Moreover, the deposition of the prosecution witnesses further did not reveal the victim to have incurred any monetary loss entitling him to a compensation with regard to the future loss of income as well as loss of amenities.
5. 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 respondent/Insurance Company, this Court restrict itself only to the extent of determine the above-mentioned issues.
6. Considered the rival contentions of the respective parties.
7. The evidence of P.W.1 being the victim in his cross-examination stated that he could not produce any income certificate relating to his income of Rs.10,000/- per month. Moreover, without the help of clutch or any other kind of help, he could walk freely. The documents marked as Exhibit-16 to have been issued by Shree Vishudhanand Hospital & Research Institute wherein the victim had been hospitalized and had been operated on 31st November,

2010 in the discharge summary certificate mentioned the condition of the victim to have been improved. The Learned Tribunal taking into consideration the physical status of the victim, the monthly income of the victim during the period of his hospitalization and the recovery period had granted a loss of income to the extent of four months @ Rs.10,000/- per month as claimed to be the monthly income of the victim/claimant in his claim application filed under Section 166 of the M.V Act.

8. Since the claimant failed to adduce any kind of evidence with regard to his incapacitation or inability to pursue his livelihood for serious disablement affecting his entire body preventing him being involved in any kind of job, this Court is not inclined to interfere with the reasoning of the Learned Tribunal in the impugned judgment and order. However, this Court will modify the compensation awarded by the Learned Tribunal increasing the amount granted towards pain and sufferings from Rs.30,000/- to Rs.50,000/-.
9. 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 the appellants/claimants at the office of the

¹ 2025 INSC 361

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

10. The Learned Advocate representing the respondents/Insurance Company is to deposit the amount granted towards pain and sufferings before the office of the Learned Registrar General, High Court, Calcutta within two months from the date of passing of this order.
11. The Office of the Learned Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same directly to the Bank accounts of the present appellants/claimants in equal proportion as mentioned in the award passed by the Learned Judge, Motor Accident Claims Tribunal, Bench – XIII, City Civil Court, Calcutta in MAC Case No. 183/2011 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
12. The instant appeal is disposed of accordingly.
13. The pending applications, if any, stands disposed of.
14. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

Srimanta, A.R.(Ct.)