

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 836 of 2022

**Mamoni Hansda Alias Mamani Hansda
Versus
National Insurance Company Ltd. & Anr.**

For the Appellant : Mr. Jayanta Kumar Mondal
Mr. Sayantan Rakshit

For the Respondent No.1/
Insurance co. : Ms. Sucharita Paul

Heard on & Judgment on : 2nd 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 24th November, 2021 passed by the Learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, RD Court, Paschim Medinipur in M.A.C. Case No. 106 of 2020.
3. Learned Advocate representing the appellant/claimant submitted to have filed the instant appeal on the ground that the Learned

Tribunal in assessing the monthly income of the victim aged 8 years to have incurred an accident suffering physical disablement to the extent of 60% having his right leg amputated. It was further submitted that the Learned Tribunal had deducted 1/3rd of the monthly income towards personal expenses which was incorrectly deducted. Moreover, the monthly income of the victim was inadequately assessed as Rs. 3000/- in case of computing the compensation with regard to the accident occurred in the year 2019. The Learned Advocate representing the appellant/claimant further submitted that a meagre amount was granted by the Learned Tribunal towards loss of amenities as well as pain and suffering. Moreover, the future prospect was granted to the extent of 30% instead of 40% with regard to the age of the victim at the time of the accident.

4. The learned Advocate representing the respondent No.1/Insurance Company submitted that the Hon'ble Supreme Court in number of judgments did not grant future prospect in case of a child who had suffered an accident Applying the same principle of non-grant of future prospect the instant case should be similarly adjudicated. It was further submitted that the multiplier assessed by the Learned Tribunal was 18 instead of 15 with regard to the age of the victim on the date of the accident.

5. 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. The compensation towards future prospect in case of the victim to have suffered an injury to the extent of 60% having his right leg amputated should not be denied. The Learned Tribunal should not have deducted 1/3rd towards personal expenses in assessing the compensation dealing with the injury to have been suffered by the victim. The multiplier in accordance with the age of the victim should have been 15 instead of 18. The Learned Tribunal should have considered the pain and trauma suffered by a 8 year old boy to his detriment throughout his entire lifetime, therefore, the aspect towards future medical expenses must also been taken into consideration.
6. 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. 5,41,840/- is modified as follows:

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

² (2009) 6 SC 121

Monthly Income (Rs. 227 x 26)	Rs. 5,902/-
Annual income	x 12
	Rs. 70,824/-
Multiplier to be "15"	X 15
	Rs. 10,62,360/-
Future Prospect to be added(40%)	Rs. 4,24,944/-
Disability 60%	Rs. 14,87,304/-
Medical Expenses	Rs.8,92,382.40p/ Rs. 1,00,000/-
	Rs. 9,92,382.40P
Loss of amenities	Rs. 3,00,000/-
Future medical expenses	Rs. 2,00,000/-
	Rs. 14,92,382.40P
Less	Rs. 5,41,840/-
Entitlement	Rs.9,50,542.40P

7. The Learned Advocate for the appellants/claimants submitted that the appellant/claimant has withdrawn a sum of Rs. 5,41,840/- along with interest from the date of filing of the application under Section 166 of the Motor Vehicles Act till the date of realization. The appellant/claimant is entitled to a sum of Rs. 9,50,542.40P/- along 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 realization. In view of the observation of the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors.**³ the appellant/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.

³ 2025 INSC 361

8. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 9,50,542.40P/- 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.
9. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and, thereafter, disburse the same directly to the bank account of the present appellant/claimant as mentioned in the impugned judgment and order passed by the Learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, RD Court, Paschim Medinipur in M.A.C. Case No. 106 of 2020 on proof of proper identification of the appellant/claimant 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. The TCR be sent down to the concerned Tribunal forthwith.
13. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)