

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 624 of 2024

**Pratima Mondal & Ors.
Versus
The New India Assurance Company Ltd. & Ors.**

For the Appellants : Mr. Muktakesh Das
Ms. Sonali Bag

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

Heard on : 11.04.2025 & 23.06.2025

Judgment on : 3rd 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 13th December, 2023 passed by the learned Judge, Motor Accident Claims Tribunal, 4th Court, Krishnagar,, Nadia in M.A.C. Case No. 66 of 2010.
3. An application under Section 166 of the Motor Vehicles Act had been filed by the claimants on account of the death of the victim

in an accident which occurred on 07.06.2008 at about 6 a.m. on NH-34 at a distance of 8 K.m. from Nakashipara Police Station near Dahakhola bus stand with the involvement of the offending vehicles being Tata 410 Matador bearing registration No. WB-51/6124 and Tata 407 mini truck bearing registration No. WB-57/7020 whereby the offending vehicle being 407 Mini truck as aforesaid was proceeding at an exceeding speed from Kolkata tried to overtake the matador eventually losing control hit the said matador which by virtue of that impact or inertia hit the road side tree wherein the victim being a passenger and sustained severe injuries and expired on the spot.

4. Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal for enhancing of the monthly income of Rs. 3000/- considered by the learned tribunal. It was submitted that the learned tribunal had erroneously computed the rate of interest from the date of passing of the impugned judgment and order till the date of its recovery.
5. The learned Advocate representing the respondent No.1/Insurance Company submitted that in absence of corroborative oral and documentary evidence the learned tribunal was justified in considering the monthly income of the victim to be Rs. 3000/- per month, considering to the factum of interest to

have been granted erroneously from the date of passing of the impugned judgment and order till date of its actual realization.

6. 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. Considering the fiscal index prevalent in the year 2008 at the time of the relevant accident the sum of Rs. 3000/- to have been considered as the monthly income of the victim was not improbable which at this point of time should not be interfered with. However, the impugned judgment and order is modified only to the extent of interest at the rate of 7.5% per annum is to be paid from the date of filing of the application under Section 166 of the motor vehicles Act till the date of pronouncement of the impugned judgment and order dated 13th May, 2023.

7. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn 50% of the awarded sum along with interest from the learned tribunal. The appellants/claimants are entitled to the interest at the rate of 7.5% per annum to be paid from the date of filing of the claim application

the date of pronouncement of the impugned judgment and order dated 13th May, 2023. 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 learned Registrar General, High Court at Calcutta for disbursement of the compensation amount.

8. The Learned Advocate for the respondent No.1/insurance company is to deposit 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 accounts of the present appellants/claimants as mentioned in the impugned judgment and order passed learned Judge, Motor Accident Claims Tribunal, 4th Court, Krishnagar,, Nadia in M.A.C. Case No. 66 of 2010 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees within four weeks.
10. The instant appeal is disposed of accordingly.
11. The pending applications, if any, stands disposed of.

¹ 2025 INSC 361

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

(Ananya Bandyopadhyay, J.)

c.m. AR. Ct.