

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 98 of 2025

National Insurance Company Limited

Versus

Siddheshwar Mondal & Ors.

With

COT/47/2025

Siddheshwar Mondal & Anr.

-Versus-

National Insurance Company Limited & Anr.

For the appellant/Insurance Company : Mr. Deb Narayan Ray

For the respondent nos. 1 & 2 : Mr. Ashique Mondal

Heard & Judgment on : 15th 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 07.03.2024 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, 3rd Court, Alipore, South 24-Parganas in M.A.C. Case No. 683 of 2017.
3. The Learned Advocate representing the appellant/Insurance Company submitted to have filed the instant appeal exclusively

on the ground that the Learned Tribunal had considered the yearly income of the victim to be Rs.30,000/- and the same was excessive.

4. The Learned Advocate representing the respondents/claimants submitted that the victim had been a 9 year old child and in view of a notification the yearly income should be Rs.36,000/- in parity of a labour working in any agricultural farm to be Rs.300/- per day.
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 No.1/insurance company, this Court restricts itself only to the extent of the above-mentioned issue.
6. Considered the rival contention of the respective parties. It is unfortunate for a child of 9 years to have succumbed to the injuries out of the accident. A 9 year old child contrary to the Constitutional mandate should not have been engaged in any kind of field work as a labour as claimed by the respondents/claimants. The amount of compensation granted by the Learned Tribunal is not interfered with.
7. The office of the Learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the

entire awarded amount so deposited with accrued interest directly to the Bank accounts of the respondents/claimants as mentioned by the Learned Additional District Judge, Motor Accident Claims Tribunal, 3rd Court, Alipore, South 24-Parganas in M.A.C. Case No. 683 of 2017 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Court fees and refund the balance amount, if any, along with accrued interest through a cheque to the Learned Advocate for the appellant/Insurance Company for the accounts of the Insurance Company. The office of the Learned Registrar General, High Court at Calcutta will instruct the claimants to provide details of their Bank accounts with relevant documentary proof, prior to such disbursal as aforesaid.

8. The instant appeal is disposed of accordingly.
9. The pending applications, if any, stands disposed of.
10. 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)