

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1003 of 2022

**Rumpa Mandal @ Rumpa Mondal & Ors.
Versus
Shriram General Insurance Company Limited & Anr.**

For the Appellants/claimants : Mr. Jayanta Kumar Mandal,
Ms. Sayantan Rakshit.

For the Respondents/Insurance
Company : Mr. Rajesh Singh.

Heard & Judgment on : 10th September, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellants/claimants and the respondents/Insurance Company are present in Court.
2. The instant appeal had been filed against the judgment and award dated 26.04.2022 passed by the Learned Additional District and Sessions Judge, Motor Accident Claims Tribunal, Fast Track Court – II, Paschim Medinipur in M.A.C. Case No. 430 of 2019.

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 21.07.2019 at about 9:55 A.M. at Chawkpaturia villages within the jurisdiction of Lalgah Police Station, District – Jhargram with the involvement of the offending vehicle being a tractor bearing registration no. WB-33C/0886 which approaching at an excessive speed rashly and negligently clashed the victim resulting his instantaneous death on the spot.
4. The Learned Advocate representing the appellants/claimants submitted the Learned Tribunal disregarding the claim of the wife of the victim being P.W. 1 reduced the monthly income to the extent of Rs.6,000/- instead of Rs.8,500/-. It was further submitted that compensation towards future prospect had not been granted.
5. The Learned Advocate representing the respondents/Insurance Company submitted that the Learned Tribunal after assessing the entire gamut of oral as well as documentary evidence assessed the compensation which should not be interfered with.
6. Since the occurrence of the accident, involvement of the offending vehicle, the driving license, Insurance certificate etc. are not disputed by the Learned advocate representing the respondents/insurance company, this Court restricts itself only to the extent of rectifying the above-mentioned issues.

7. Considered the rival contentions of the learned Advocates representing the respective parties.
8. The wife of the victim being P.W. 1 submitted the deceased victim to earn Rs.8,500/- by selling vegetables. It is not possible for P.W. 1 to provide documents to substantiate the income of the victim as vegetable seller. However, the victim to have earned a sum of Rs.7,000/- per month by selling vegetable would not have been improbable.
9. 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. 8,26,000/- is modified as follows:

Annual Income [Rs. 7,000 X 12]	Rs. 84,000/-
Less : 1/4 th Personal Expenses	Rs. 21,000/-
Add : 25% Future Prospect	Rs. 63,000/-
	Rs. 15,750/-
Multiplier to be "14"	Rs. 78,750/-
	X 14
	Rs. 11,02,500/-
Add : General Damages	Rs. 77,000/-
Less: Already received in terms of Tribunal's award	Rs. 11,79,500/-
	Rs. 8,26,000/-
Enhancement	Rs. 3,53,500/-

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

² (2009) 6 SC 121

10. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs.8,26,000/-. The appellants/claimants are entitled to receive the balance sum of Rs.3,53,500/- along with 6% interest per annum to be paid from the date of filing of the claim application till the date of its actual realization and also the differential 2% interest on the already paid award amount of Rs.8,26,000/- from the date of filing of the claim application till the date of payment. In view of the observation of the Hon'ble Supreme Court in *Parminder Singh -Vs.- Honey Goyal & Ors.*³ 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 disbursal of the compensation amount.
11. The Learned Advocate representing the respondents/Insurance Company is to deposit the balance sum of Rs.3,53,500/- along with interest at the rate of 6% interest per annum from the date of filing of the claim application and also deposit differential 2% interest on the already paid award amount of Rs.8,26,000/- from the date of filing of the claim application till the date of payment before the office of the Learned Registrar General, High Court, Calcutta within two months from the date of passing of this order.

³ 2025 1 NSC 361

12. The Office of the Learned Registrar General, High Court at Calcutta, shall encash the cheques and thereafter disburse the same directly to the Bank accounts of the appellants/claimants in equal proportion as mentioned in the impugned judgment of the Learned Additional District and Sessions Judge, Motor Accident Claims Tribunal, Fast Track Court – II, Paschim Medinipur in M.A.C. Case No. 430 of 2019 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court fees.
13. The instant appeal is disposed of accordingly.
14. The pending applications, if any, stands disposed of.
15. The TCR be sent down to the concerned Tribunal forthwith.
16. 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.)