

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1007 of 2023

Namita Sikari & Ors.

Versus

Bajaj Allianz General Insurance Company Limited & Anr.

For the appellants/claimants. : Mr. Jayanta Kr.
Mandal

For the respondent nos. 1 : Mrs. Sucharita Paul

Heard & Judgment on : 10th June, 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 08.02.2023 passed by the learned Judge, Motor Accident Claims Tribunal and Additional District & Sessions Judge, Fast Track 2nd Court, Paschim Medinipur in M.A.C. Case No. 196 of 2021.
3. An application under Section 166 of the Motor Vehicles Act, 1988 had been filed on account of accident which occurred on

07.11.2020 at about 4.30 to 5.00 p.m. near Bankadaha on NH-60 with the involvement of the offending vehicle being a motor cycle bearing registration No. WB-34BC/9017 which proceeding at an exceeding speed rashly and negligently hit the victim who suffered severe injuries and was admitted at Bishnupur Hospital wherein he was declared to have expired.

4. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the point of monthly income of the victim which was considered to be Rs.5,000/- per month by the learned Tribunal in assessing the compensation contrary to the claim of Rs.10,000/- per month to be the income of the victim being a vegetable vendor.
5. The Learned Advocate representing the respondent No.1/insurance company submitted the Learned Tribunal considering the oral and documentary evidence on record had rightly assessed the compensation awarded which should not be interfered with.
6. 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 determine the monthly income of the victim. The victim

working as a vegetable vendor could not have produced any documentary evidence with regard to his income. However, considering the fiscal index in the year 2020 a sum of Rs.7,500/- to have been earned by the victim working as a vegetable vendor shall not be improbable.

7. 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. 7,70,000/- is modified as follows:

Monthly Income	Rs. 7500/-
Add : 25% Future Prospect	Rs. 1,875/-
	Rs. 9,375/-
	X 12
Annual Income	Rs. 1,12,500/-
Multiplier '14'	X 14
	Rs. 15,75,000/-
Less : 1/3 rd Deduction Personal Expenses	Rs. 5,25,000/-
	Rs. 10,50,000/-
Add : General Damages	Rs. 70,000/-
	Rs. 11,20,000/-
Less : Award received	Rs. 7,70,000/-
Enhanced Compensation	Rs. 3,50,000/-

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 7,70,000/- . The appellants/claimants are entitled to a sum of Rs. 11,20,000/- along with 6% interest per annum to be paid from

the date of filing of the application i.e. 30.03.2021 till the date of its actual realization. In view of the observation of the Hon'ble Supreme Court in ***Parminder Singh –Vs.- Honey Goyal & Ors.*** reported in ***2025 1 NSC 361*** 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.

9. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 3,50,000/- along with 6 % interest per annum from the date of filing of the claim application before the office of the learned Registrar General, High Court Calcutta within three months from the date of passing of this order.
10. 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 in equal proportion as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal and Additional District & Sessions Judge, Fast Track, 2nd Court, Paschim Medinipur in M.A.C. Case No. 196 of 2021 on proof of proper identification of

² (2009) 6 SC 121

the appellants/claimants subject to payment of ad valorem Court's fees.

11. The instant appeal is disposed of accordingly.
12. The pending applications if any stands disposed of.
13. 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)