

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMAT(MV) 332 of 2024

Sabina Bibi & Ors.

Versus

ICICI Lombard General Insurance Co. Ltd. & Anr.

For the appellants/claimants : Mr. Amit Ranjan Roy

For the respondent nos. 1 : Ms. Gopa Das
Mukherjee

Heard & Judgment on : 15th July, 2025

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been filed against the judgment and award dated 15.11.2022 passed by the Learned District Judge, Motor Accident Claims Tribunal, Bench – IX, City Civil Court, Calcutta in M.A.C. Case No. 465 of 2017.
3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal had considered the notional

income of Rs.3,000/- contrary to the claim of the claimants that the victim used to earn Rs.300/- to Rs.400/- per day.

4. The Learned Advocate representing the respondents/Insurance Company submitted that the Learned Tribunal after considering the oral and documentary evidence had rightly considered the compensation awarded.
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. The evidence of P.W. 3 being a Panchayat Pradhan who had neither been the employer or in any manner authorized to endorse the monthly income of the victim through a certificate marked as Exhibit – 11 had not been considered by the Learned Tribunal. The evidence of P.W. 3 revealed that the deceased never worked under the P.W. 3. Moreover, P.W. 3 did not have any personal knowledge with regard to the income of the deceased to be Rs.300/- to Rs.400/- per day. The evidence of P.W.3 is outright rejected. The claimants further failed to prove the avocation of the deceased apart from claiming him to be a daily labourer. The

accident occurred in the year 2017 and the notional income of the victim is considered to be Rs.6,000/- considering the fiscal index prevalent at the relevant time.

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. 5,39,000/- is modified as follows:

Monthly Income	Rs. 6,000/-
Annual Income	Rs. 72,000/-
Less : 1/3 rd Deduction	Rs. 24,000/-
Personal Expenses	Rs. 48,000/-
Future Prospect to be added(40%)	Rs. 19,200/-
	Rs. 67,200/-
Multiplier to be "17"	X 17
	Rs. 11,42,400/-
General Damages	Rs. 84,000/-
Less : Award of the Tribunal	Rs. 12,26,400/-
	Rs. 5,39,000/-
Entitlement	Rs. 6,87,400/-

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 5,39,000/-. The appellants/claimants are entitled to a further sum of Rs. 6,87,400/- along with 6% interest per annum to be paid from the date of filing of the application till the date of its actual

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

² (2009) 6 SC 121

realization. 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.

9. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 6,87,400/- along with 6 % per cent 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 District Judge, Motor Accident Claims Tribunal, Bench-IX, City Civil Court, Calcutta in M.A.C. Case No. 465 of 2017 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Court's fees.
11. The instant appeal is disposed of accordingly.

³ 2025 INSC 361

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)