

Form No. J(2)

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

Present:

**The Hon'ble Justice Ananya Bandyopadhyay**

**IA No.:CAN/1/2024, CAN/2/2024  
in  
FMA 1248 of 2024**

**The Oriental Insurance Company Limited  
Versus  
Tanmay Patra & Anr.**

**With**

**COT/150/2024**

**Tanmay Patra (victim) being minor is represented by his  
father, Soutam Patra**

**-Vs.-**

**The Oriental Insurance Company Limited & Anr.**

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

For the Respondents/claimants : Mr. Sandip Bandyhopadhyay,  
Ms. Ruxmini Basu Roy.

Heard & Judgment on : 7<sup>th</sup> August, 2025.

**Ananya Bandyopadhyay, J:**

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondents/claimants are present in Court.
2. The instant appeal had been filed against the judgment and award dated 18.04.2024 passed by the Learned Judge, Motor

Accident Claims Tribunal, Re-Designated Court, Paschim Medinipur (In-Charge) in M.A.C. Case No. 352 of 2021.

3. The Learned Advocate representing the appellant/Insurance Company submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal in assessing the compensation awarded to the claimants had considered a sum of Rs.6,000/- per month to be the income with regard to the injury suffered by a minor child of 2 years 9 months of age. It was further submitted that the Learned Tribunal had exorbitantly granted interest at the rate of 9% per annum to be paid from the date of filing as a default clause contrary to the statutory provisions.
4. The Learned Advocate representing the respondents/claimants submitted to have filed the cross-objection mainly on the ground of the rate of interest to be computed from the date of filing of the application under Section 171 of the Motor Vehicles Act till the date of its realization.
5. 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 appellant/Insurance Company, this Court restricts itself only to the extent of modifying the above-mentioned issues.

6. Considered the rival contentions of the Learned Advocates representing the respective parties.
7. Perused the materials-on-record as well as the impugned Judgment and order which had been reasonably pronounced taking into aspect the decisions of the Hon'ble Supreme Court in assessing the monthly income of a minor victim to have sustained an accident suffering injuries. It further transpired that the victim had been taken to a Hospital in Orissa where he underwent several operations to his plight and detriment. The elements under which the Learned Tribunal had accorded the compensation had been practical and for the betterment of the child in future and this Court is not inclined to interfere with the same.
8. However, the impugned Judgment and order is to be modified to the extent that the compensation in principal awarded by the Learned Tribunal is to be disbursed along with an interest at the rate of 6% per annum from the date of filing of the application under Section 171 of the Motor Vehicles Act till the date of its realization.
9. The Learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs.3,59,382/- through two separate cheques as per challan filed by the Learned advocate representing the appellant/insurance company.

10. 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 respondents/claimants in proportion as mentioned in the impugned judgment of the Learned Judge, Motor Accident Claims Tribunal, Re-Designated Court, Paschim Medinipur (In-Charge) in M.A.C. Case No. 352 of 2021 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.
11. The instant appeal is disposed of accordingly.
12. The pending applications, if any, stands disposed of.
13. The TCR be sent down to the concerned Tribunal forthwith.
14. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

**(Ananya Bandyopadhyay, J.)**