

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1146 of 2022

Sahinur Bibi & Ors.

Versus

The United India Insurance Co. Ltd. & Anr.

For the Appellant : Mr. Saidur Rahaman

For the Respondent No.1/
Insurance co. : Mr. Parimal Kumar Pahri

Heard & Judgment on : 9th June, 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 5th May, 2022 passed by the learned Judge, Motor Accident Claims Tribunal cum 4th Court, Krishnagar, Nadia in M.A.C. Case No. 33 of 2011.
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 27th March, 2010 at about 5.00

p.m. with the involvement of the offending vehicle being a lorry bearing registration No. WB-51/9547 which rashly and negligently hit the victim who was moving towards Palsunda to Kulgachi along with his Van Rickshaw. The victim was seriously injured and eventually expired on 2nd December, 2010.

4. Learned Advocate representing the appellants/claimants submitted the learned Tribunal had granted a sum of Rs. 3000/- as notional income per month which should be enhanced to Rs. 4500/-. Moreover, the learned Tribunal failed to grant any interest on the assessed compensation.
5. The learned Advocate representing the respondent No.1/Insurance Company submitted the learned Tribunal considering each and every aspect, had rightly passed the impugned judgment and award.
6. Heard the submission of the Learned Advocates representing both the parties.
7. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues have not been disputed by the learned advocate representing the respondent No.1/insurance company, this Court restricts itself only to consider the point agitated by both the parties. Considering the fiscal index prevalent on the relevant date of the

accident being Van Rickshaw puller it would not be improbable for the victim to have been earned Rs. 150/- per day.

8. 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. 6,74,800/- is modified as follows:

Monthly Income	Rs. 4500/-
Annual Income(Rs. 4500 x 12)	Rs. 54,000/-
1/4 th Deduction	Rs. 13,500/-
Personal Expenses	Rs. 40,500/-
	Rs. 16,200/-
Future Prospect to be added(40%)	Rs. 56,700/-
	X 16
Multiplier to be "16"	Rs. 9,7,200/-
	Rs. 70,000/-
General Damages	Rs. 9,77,200/-
Less Award	Rs. 6,74,800/-
Entitlement	Rs. 3,02,400/-

9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 6,74,800/-. The appellants/claimants are entitled to a sum of Rs. 3,02,400/- along with interest at the rate of 6% per annum on the entire compensation including the award passed by the learned Tribunal to be paid from the date of filing of the claim application till the date of final realization.

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

² (2009) 6 SC 121

10. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 3,02,400/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order.
11. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal cum 4th Court, Krishnagar, Nadia in M.A.C. Case No. 33 of 2011 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
12. The instant appeal is disposed of accordingly.
13. The pending applications, if any, stands disposed of.
14. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)