**IN THE HIGH COURT AT CALCUTTA**

**CIVIL APPELLATE JURISDICTION**

**Present:**

**The Hon'ble Justice Ananya Bandyopadhyay**

***FMA 918 of 2022***
**Rama Ruidas @ Roma Ruidas & Anr.**
**-Vs-**
***Cholamandalam MS General Insurance Co. Ltd. & Anr.***

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|---|---|---|
| **For the Appellants/claimants** | : | Mr. Jayanta Kumar Mondal<br>Mr. Sayantan Rakshit |
| **For the respondent No.1/insurance co.** | : | Mr. Debanjan Mukherjee<br>Mr. Subhajit Chattopadhyay |
| **Heard on** | : | **28.02.2025** |
| **Judgment on** | : | 28.07.2025 |

**Ananya Bandyopadhyay, J. :-**

1. The Learned Advocates representing the appellants/claimants as well as the respondent No.1/insurance company are present in Court.
2. The instant appeal had been filed against the judgment dated 30th June, 2021 passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, Fast Track Court, at Durgapur in MAC Case No. 29 of 2012.
3. The Learned Advocate representing the appellants/claimants had filed the instant appeal exclusively on the ground that the auditor's report marked as Ext. 8 to 10 series had not been

considered by the learned Tribunal in assessing the award of compensation.

4. The Learned Advocate representing the respondent No.1/insurance company submitted that the Learned Tribunal having considered the oral and documentary evidence on record rightly assessed the amount of compensation.

5. Since, the occurrence of the accident, involvement of the offending vehicle, driving licence, route permit and insurance policy etc. have not been disputed by the Learned Advocate representing the respondent No.1/insurance company.

6. Considered the rival contentions of the Learned Advocates representing the respective parties.

7. The evidence of P.W.3 attached a Chartered Accountant firm in his cross examination *inter alia* stated follows:

> *"This day, I did not bring any document in regard to my identification.*
> *Our farm is a sole proprietorship concern.*
> *In my report, it is not mentioned what are the documents of the business run by Amit Ruidas's I had consulted to prepare my report for my satisfaction.*
> *I also audited the transactional of business of said Mr. Ruidas.*
> *The document what assessee or the auditee placed, on that basis we used to prepare our report.*
> *It is not possible for me to show that I had testified the authenticity of the documents auditee placed before us for our audit.*
> *I dispute that without making any audit, I have prepared his audit report mechanically.*

> *My report does not show that whether my client Amit Ruidas or his farm possessed any PAN Card to run his business or not".*

8. The Chartered Accountant failed to establish the existence of his own sole proprietorship firm as well as the business of the deceased victim as aforesaid and the Learned Tribunal had rightly regarded the contentions of the P.W.3 and had assessed the compensation on the basis of Rs. 9,185/- to be his monthly income.
9. Under the facts and circumstances, the instant appeal is dismissed.
10. The pending application if any, stands dismissed.
11. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

**(Ananya Bandyopadhyay, J.)**