

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 673 of 2022

Shrabani Roy & Anr.

Versus

The National Insurance Company Limited & Anr.

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

For the respondent nos. 1 : Mr. Deb Narayan Ray,

Heard & Judgment on : 8th July, 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 13.08.2020 passed by the Learned Judge, Motor Accident Claims Tribunal and Additional District Judge, Motor Accident Claims Tribunal, 5th Court, Paschim Medinipur in M.A.C. Case No. 02 of 2017.
3. An application under Section 166 of the Motor Vehicles Act, 1988 had been filed by the claimants on account of the death of the

victim in an accident which occurred on 15.11.2016 at about 10.30 p.m. with the involvement of the offending vehicle being a lorry bearing registration No. WB-33B/3386 which proceeding at an exceeding speed rashly and negligently hit the victim as a pedestrian at Ghatal – Panskura road resulting in bleeding injuries sustained all over his body and subsequently declared to have expired on transmission to Ghatal S. D. Hospital.

4. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal for enhancement of the monthly income from Rs.4,500/- to Rs. 6,000/- as claimed in the application as aforesaid since the victim professed as a driver.
5. The Learned Advocate representing the respondents/Insurance Company submitted that the claimants failed to adduce oral as well as documentary evidence with regard to the claim of the victim to have earned Rs.6,000/- per month as a driver and the Tribunal was justified in assessing the monthly income of the victim to be Rs.4,500/-.
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 above-mentioned issue.

7. Considered the rival contention of the respective parties. The accident occurred on 15th November, 2016 and considering the fiscal index prevalent at the relevant time the monthly income of the victim being a driver can be considered to be Rs.5,500/- which will not be improbable.
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. 7,18,000/- is modified as follows:

Monthly Income	Rs. 5500/-
Annual Income	Rs. 66,000/-
Future Prospect to be added(40%)	Rs. 26,400/-
	Rs. 92,400/-
1/3 rd Deduction	Rs. 30,800/-
Personal Expenses	
	Rs. 61,600/-
	X 18
Multiplier to be "18"	
	Rs. 11,08,800/-
General Damages	Rs. 77,000/-
	Rs. 11,85,800/-
Less Award	Rs. 7,18,000/-
Entitlement	
	Rs. 4,67,800/-

9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 7,18,000/- . The appellants/claimants are entitled to a sum of Rs.

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

² (2009) 6 SC 121

11,85,800/- along with 6% interest per annum to be paid from the date of filing of the application 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.*** 1 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 disbursement of the compensation amount.

10. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 4,67,800/- 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 two months 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 directly to the Bank accounts of the present appellants/claimants in equal proportion as mentioned in the award passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, 5th Court, Paschim Medinipur in M.A.C. Case No. 02 of 2017 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.)

Srimanta, A.R.(Ct)