

Form No. J(2)

Item No. DL / 190

c.m. . A.R. (CT)

IN THE HIGH COURT AT CALCUTTA

Civil Appellate Jurisdiction

(Appellate Side)

Present: The Hon'ble Justice Ananya Bandyopadhyay

F.M.A. No.108 of 2024

Gour Barman & Anr.

Vs.

National Insurance Co. Ltd. & Anr.

For the Appellant	: Mr. Jayanta Kumar Mondal
For the Respondent	: Mr. Marttandra Pratap Chakraborty Ms. Ratnadipa Karmakar

Heard & Judgment On : 22nd September, 2025.

Ananya Bandyopadhyay, J.:

1. Both the Learned Advocates representing the parties are present in Court.
2. The instant appeal had been filed against the judgment and award dated 6th June, 2023 passed by the Learned Judge, Motor Accident

Claims Tribunal cum Additional District & Sessions Judge, Fast Track Court at Balurghat, Dakshin Dinajpur in Motor Accident Claim Case No. 8 of 2019.

3. The Learned Advocate representing the appellants/ claimants submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal had committed an error in considering the multiplier to be 17 instead of 18 since the age of the victim had been more than 25 years on the date of the accident on 17th October, 2018 at about 11 p.m. at Akhira Colony Para within the jurisdiction of Balurghat Police Station with the involvement of the offending vehicle being Ambassador Car bearing registration No. WB-62-8437 and Auto bearing Registration No. WB-61A-5027 which had collided whereby the victim being a passenger of the Auto suffered severe injuries and succumb to the same. It was further submitted that the Learned Tribunal had considered the monthly income of the victim to be Rs. 5000/- instead of Rs. 6000/- as claimed in the claim application being involved in tailoring activities.
4. Learned Advocate representing the respondent No.1/ Insurance Company submitted in absence of corroborative, oral and documentary evidence the Learned Tribunal was justified in assessing the compensation award.

5. Considered the submissions of the Learned Advocates representing both the parties.
6. 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, this Court restricts itself only to the points agitated by the Learned Advocates representing the respective parties. The document marked as Ext. 8 being the Voter ID card of the victim mentioned the date on 7th February, 1993 whereby the age of the victim to be more than 25 years on the date of the accident and the multiplier 18 should be applicable instead of 17 in absence of corroborative, oral and documentary evidence. The Learned Tribunal was justified in assessing the monthly income to be Rs. 5000/- which was not to be interfered with. The impugned judgment and order is further modified to the extent that entire amount of compensation shall be awarded in favour of the minor son of the victim since there is no evidence on record that the husband of the victim has been not dependant on the income of the victim.
7. The impugned judgment and order is modified to the following extent.

Yearly Income (Rs. 5000 x 12)	Rs. 60,000/-
Future Prospect (40%)	Rs. 24,000/-
	<u>Rs. 84,000/-</u>
Less 1/3 rd	+ Rs. 28,000/-
	<u>Rs. 56,000/-</u>
Multiplier 18	x 18
	<u>Rs. 10,08,000/-</u>
Add General Damages	Rs. 77,000/-
	<u>Rs. 10,85,000/-</u>
Already Paid	Rs. 10,22,000/-
	<u>Rs. 63,000/-</u>

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 10,22,000/-. The appellant No.2/claimants is entitled to a sum of Rs. 63,000/- along with interest at the rate of 6 per cent per annum to be paid from the date of filing of the claim application i.e. 02.01.2019 till the date of realization. In view of the observation of the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors.**¹ the appellant No.2/claimants is to provide the details of Bank Accounts held in the name of the appellant No.2/claimants at the office of the Learned Registrar General, High Court at Calcutta for disbursal of the compensation amount till the age of majority, the sum cannot be withdrawn.

¹ 2025 INSC 361

9. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 63,000/- along with interest before the office of the Learned Registrar General, High Court at Calcutta within two 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 account of the present appellant No.2/claimants as mentioned in the impugned judgment and order passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, Fast Track Court at Balurghat, Dakshin Dinajpur in Motor Accident Claim Case No. 8 of 2019 on proof of proper identification of the appellant No.2/claimants subject to payment of *ad valorem* court fees.
11. The instant appeal is disposed of accordingly.
12. The pending applications, if any, stands disposed of.
13. The Trial Court Records 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.)