

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 11 of 2024

**United India Insurance Company Limited
Versus
Davinder Singh @ Debendra Singh & Anr.**

With

COT/24/2024

**Davinder Singh @ Debendar Singh
-Vs.-
United India Insurance Company Limited & Anr.**

For the Appellant : Ms. Sucharita Paul

For the Respondent No.1 : Mr. Ashique Mondal.

Heard & Judgment on : 29th January, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondent No.1/claimant are present.
2. The instant appeal had been filed against the judgment and award dated 25.07.2023 passed by the Learned Judge, Motor

Accident Claims Tribunal and Additional District Judge 6th Court, Alipore, South 24-Parganas in M.A.C. Case No. 703/2017.

3. The learned Advocate representing the appellant/Insurance Company did not dispute the occurrence of the accident, the involvement of the offending vehicle, the driving license, route permit etc. The learned Advocate representing the appellant/Insurance Company submitted that the assessment of permanent disability to the extent of 35% by a private Doctor should not have been considered by the learned Tribunal in awarding the compensation. Moreover, the learned Tribunal had granted an interest at the rate of 7% per annum which should have been to the extent of 6% per annum.
4. The Learned Advocate representing the respondent No.1/claimant submitted that the victim being a man of 19 years being subjected to severe physical pain and trauma owing to the effect of an accident and had suffered functional disability. The nature of injury suffered by the victim as the effect of the accident as denoted by the private Doctor in the absence of an assessment through a Government registered Board appeared to be excessive. Accordingly, the percentage of physical disability is reduced to the extent of 20%. However, for a young man of 19 years having suffered such injuries as mentioned in the medical report must have caused immense mental and physical pain,

agony and trauma causing an impact of his physical being and emotional state to linger in future. Accordingly, this Court is inclined to grant an additional sum of Rs.1,00,000/- towards pain and suffering.

5. The impugned judgment and order of the learned Tribunal is modified to the extent as follows:- .

Monthly Income	Rs. 5000/-
	Rs. 2000/-
Future Prospect to be added(40%)	Rs. 7000/-
	x 12
Annual Income	Rs. 84,000/-
	X 18
Multiplier to be “18”	Rs. 15,12,200/-
Disability (20%)	Rs. 3,02,400
Non-Pecuniary Damages	Rs. 2,00,000/-
Entitlement	Rs. 5,02,400/-

6. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of 8,70,433/- along with an interest of 6 % per annum from the date of filing of the claim application as per the challan filed by the Learned advocate for the Appellant/Insurance company.
7. The Respondent Nos. 1/claimant are entitled to receive the amount of Rs. 5,02,400/- at the rate of 6% per cent per annum from the date of filing of the claim application i.e. 7th July, 2017 till the date of actual realization.

8. The office of the learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited along with accrued interest to the present respondent Nos. 1 /claimant as mentioned Learned Judge, Motor Accident Claims Tribunal and Additional District Judge in M.A.C. Case No. 703/2017 on proof of proper identification of the respondent No.1 /claimant subject to payment of ad valorem Court fees and refund the balance amount if any through a cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company.
9. The instant appeal is disposed of accordingly.
10. The interim order if any stand vacated.
11. The TCR be sent down to the concerned tribunal forthwith.
12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)