

Form No. J (2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay.

F.M.A. 656 of 2025

Sumit Mitra.

Vs.

New India Assurance Co. Ltd. & Anr.

Mr. Jayanta Kr. Mondal,
Mr. Sayantan Rakshit, ... for the appellant/claimant.

Ms. Sucharita Paul, ... for the respondent
nos. 1/insurance company.

Heard & Judgment On : 10.07.2025

1. The Learned Advocates representing the appellant/claimant as well as respondent No.1/insurance company are present in Court.
2. The instant appeal had been filed against the judgment dated 29th August, 2006 passed by the learned Judge, Motor Accident Claims Tribunal 13th Court, Alipore in MAC Case No. 378 of 2003.
3. An application under Section 166 of the M.V. Act had been filed by the claimants on account of the death of the victim in an accident which occurred on May 21, 2000 at Motilal Gupta Road in front of Baidapara Girls High School at about 8:00 A.M. with the involvement of the offending vehicle being a truck bearing

registration no.W.B.-11/9819 which proceeded at an excessive speed, rashly and negligently hit the victim riding his bicycle and ran over the same resulting in his death on the same date at Vidyasagar Hospital.

4. The Learned Advocate representing the appellant/claimant submitted that the victim was 54 years old at the time of the accident and, therefore, the learned Tribunal erred in assessing the multiplier to be 8 instead of 11. Moreover, the net income of the victim to the extent of Rs.11,000/- was considered for assessing the compensation awarded instead of the gross salary as stated in the salary slip issued by the West Bengal State Electricity Board wherein the victim had been an employee in the capacity of Superintending Engineer (Civil).
5. The Learned Advocate representing the respondent No.1/insurance company submitted that the learned Tribunal considering the oral as well as documentary evidence on record correctly assessed the compensation amount which should not be interfered with.
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.

7. Heard the submission of the Learned Advocates representing the respective parties.
8. The deposition of PW-2 being the authorized person of W.B.S.E.B. revealed, the victim to have been an employee of the aforesaid Electricity Board as per the original salary register marked as Exhibit 1 which reflected the gross monthly salary of the victim after deduction to be Rs. 22,859/- and Rs. 130/- to be deducted towards the Professional Tax which should have been taken into consideration for assessing the compensation awarded. In the year 2006, at the time of the pronouncement the judgment, the Learned Tribunal was not in a position to award any compensation on account of future prospect.
9. Accordingly, the impugned award of Rs. 7,30,000/- is modified as follows:

Monthly Income	Rs. 22,859/-
Less P. Tax	Rs. 130/-
	Rs. 22,729/-
Annual income	x 12
	Rs. 2,72,748/-
Future Prospect to be added(15%)	Rs. 40,912/-
	Rs. 3,13,660/-
1/3 rd Deduction	Rs. 1,05,000/-
	Rs. 2,08,660/-
Multiplier to be "11"	X 11
	Rs. 22,95,260/-
General Damages	Rs. 78,800/-
Less	Rs. 23,74,060/-
	Rs. 7,30,000/-
Entitlement	
	Rs. 16,44,260/-

10. The Learned Advocate for the appellant/claimant submitted that the appellant/claimant has withdrawn a sum of Rs. 7,30,000/- The appellant/claimant is entitled to a sum of Rs. 16,44,260/- along with interest at the rate of 6% per annum to be paid from the date of filing of the claim application i.e. 22.09.2003 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/claimant is to provide the details of Bank Accounts held in the name of the appellant/claimant at the office of the learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.
11. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 16,44,260/- along with interest as aforesaid before the office of the learned Registrar General High Court at Calcutta within two months from the date of passing of this order.
12. 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 appellant/claimant with accrued interest passed by the learned Judge, Motor Accident Claims Tribunal 13th Court, Alipore in MAC Case No.

¹ 2025 INSC 361

378 of 2003 on proof of proper identification of the appellant/claimant subject to payment of ad valorem Court's fees within four weeks. 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.)