

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 303 of 2025

Jahera Bibi Mallik & Ors.

v.

National Insurance Co. Ltd. & Anr.

Mr. Muktakesh Das ... for the appellants/claimants.

Mr. Rajesh Singh ... for the respondent no.1/insurance company.

Heard on: March 13, 2025.

Judgment on: March 13, 2025.

Ananya Bandyopadhyay, J:-

1. The learned advocates representing the respective parties are present.
2. The instant appeal had been preferred claiming an enhanced compensation against the impugned judgment and award dated 20th April, 2022 passed by the Motor Accident Claim Tribunal & Additional District Judge, Fast Track 1st Court, Krishnagar, Nadia in MAC Case No.65 of 2017.
3. Heard the submissions of the learned advocates representing both the parties.
4. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues have not been

disputed by the Learned Advocate representing the respondent No.1/insurance company, this Court restricts itself only to the extent of considering the monthly income of the victim to be Rs.21,000/- as claimed by the appellants/claimants in their claim application and also resonated by the Learned Advocate representing the appellants/claimants. The evidence adduced before the learned Tribunal both oral and documentary did not reveal any specific terms the income of the victim to be Rs.21,000/- per month prior to the date of his death. No specific evidence could be revealed with regard to the source of his income apart from the bank statement, which had been relied upon by the appellants/claimants, which did not specify the exact amount of income to have been received by the victim being an employee from the employer per month prior to the date of the accident. Under such circumstances, the Learned Tribunal has rightly assessed the notional income of the victim to be Rs.10,000/- per month and this Court is not inclined to interfere with the same. The learned advocate representing the respondent no.1/insurance company submitted that the victim was unemployed for a period of nine months prior to the date of the accident.

5. Accordingly, with the above reasons, the instant appeal being FMA 303 of 2025 is dismissed.
6. The pending application(s) if any, stands disposed of.

(Ananya Bandyopadhyay, J.)

S.R. A.R.Ct.