

Form No. J(2)
Item No. DL / 271
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.444 of 2025

Manowara Bibi @ Malo Bibi & Anr.

Vs.

National Insurance Co. Ltd. & Anr.

For the Appellant : Mr. Saidur Rahaman

For the Respondent : Mr. Sucharita Paul

Heard & Judgment On : 3rd 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 13th July, 2025 passed by the Learned Judge, Motor Accident Claims Tribunal, Fast Track Court –I, Raiganj, Uttar Dinajpur in Motor Accident Claim Case No. 166 of 2016.

3. The Learned Advocate representing the appellants/ claimants submitted to have filed the instant appeal on the ground that on the death of 12 years old child in an accident which occurred on 12th May, 2016 with the involvement of the offending vehicle being. Tata Spacio Gold bearing registration No. WB-60C/6260. The Learned Tribunal considered the annual income of the victim to be Rs. 15,000 per month. Moreover, the interest was not granted on the compensation award. The Learned Advocate representing the appellants/claimants relied on the judgment pronounced by the Hon'ble Supreme Court in Meena Devi Vs. Nanu Chand Mahto & Ors.¹ , wherein the Hon'ble Supreme Court had considered the annual income of the victim to be Rs. 30,000/- in case of a victim who had been a child of 12 years who died in an accident as mentioned therein.
4. Learned Advocate representing the respondent No.1/ Insurance Company submitted the accident occurred in the year 2016 and the Learned Tribunal was justified in considering the annual income of the victim to have been Rs. 15,000/-. Moreover, referred to the judgment cited by the Learned Advocate representing the appellants/claimants. The Learned Advocate representing the respondent No.1/insurance company submitted that the Hon'ble Apex Court did not grant separate compensation towards future prospect but with inclusion of all the elements had computed the compensation as granted therein.

¹ 2022 ACJ 2478

5. 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.
6. Considered the submissions of the Learned Advocates representing both the parties as well as perused the citation as referred to by the Learned Advocate representing the appellants/claimants as mentioned above and in essence of the said judgment, the compensation as stated in the impugned judgment and order is modified to the following extent.

Yearly Income	Rs. 30,000/-
Multiplier 15	x 15
	<u>Rs. 4,50,000/-</u>
Add General Damages	+ Rs. 50,000/-
	<u>Rs. 5,00,000/-</u>
Already Paid	- Rs. 1,55,000/-
	<u>Rs. 3,45,000/-</u>

7. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 1,55,000/-. The appellants/claimants are entitled to a sum of Rs. 3,45,000/- along with

interest at the rate of 6 per cent per annum to be paid from the date of filing of the claim application till the date of realization. In view of the observation of the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors.**² 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 disbursal of the compensation amount.

8. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 3,45,000/- 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.
9. 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 as mentioned in the impugned judgment and order passed by the Learned Judge, Motor Accident Claims Tribunal, Fast Track Court –I, Raiganj, Uttar Dinajpur in Motor Accident Claim Case No. 166 of 2016 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* court fees.
10. The instant appeal is disposed of accordingly.
11. The pending applications, if any, stands disposed of.

² 2025 INSC 361

12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)