

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench At Jalpaiguri**

Present:

The Hon'ble Justice Biswaroop Chowdhury

FMA 20 of 2025

***Hachhen @ Hachhena @ Hasen Ali & Anr.
VERSUS
United India Insurance Company Ltd. & Anr.***

For the appellants:

Mr. Gobinda Saha, Adv.
Mr. Tamal Kr. Sen, Adv.
Ms. Priyanka Das, Adv.
Mr. Milan Ch. Laskar, Adv.
Mr. Srija Bhowmik, Adv.

For the
respondent
/Insurance
Company:

Mr. Bipul Ranjan Bhattacharjee, Adv.

Last Heard on: December 18, 2025

Judgment on: December 23, 2025

Biswaroop Chowdhury, J:

The Appellant before this Court was a Claimant in a claim case under Section 166 of the Motor Vehicles Act 1988 and is aggrieved by the Judgment and Award dated 31st August 2024 passed by Learned Additional District Judge Fast Track 1st Court Jalpaiguri in MAC case No. 604 of 2022.

The case of the Appellant/claimant before the Learned Trial Court may be summed up thus:

On 11-11-2022 at about 5.30 to 6.00 a.m while the deceased Manirul Ali

was proceeding towards Purnia from the side of his residence in one bus bearing WB-71A-1965 as a passenger then near Kalagach over bridge near P.S. Chapra at Uttardinajpur the said bus met with an accident and as a result the said deceased sustained serious injury on his person and died on the spot. Subsequently P.M. was done at Islampur S.D. Hospital. The parents of the deceased stated that he was student cum private tutor and used to earn Rs. 9,000/- per month from the said profession and his family members were completely dependent upon him. The sudden death of their son caused serious loss pain shock suffering for the life time. The accident took place due to rash and negligent driving on the part of the driver of the offending vehicle WB-71A-1695.

Over the incident Police complaint was made and case was instituted u/s-279/337/338/304 IPC. On completion of investigation charge sheet was submitted against driver of offending vehicle.

The respondent no-1 United India Insurance Company Ltd. filed written statement and contested the case.

By Judgment and Award dated 31st day of August 2024 Learned Trial Court was pleased to dispose of the claim case by observing and directing as follows:

‘Hence it is ORDERED that the instant case filed u/s.166 of Motor Vehicles Act 1988 is allowed on contest as against the O.P. No. 2/The United India Insurance Comp. Ltd. and ex-parte against the O.P. No-1/owner.

The petitioner/claimants Hossen @ Hossain Miya and Hosneara Begum being the legal heirs and representatives of the deceased/victim Manirul Alil do get an award of Rs. 9,77,200/- (Rs. Nine lakhs and seventy seven thousand and two hundred only) in equal shares subject to payment of DCF if any.’

The claimants/appellants being aggrieved by the order passed by the Learned Trial Judge has come up with the instant appeal.

The grounds on which the Judgment and Award of the Learned Trial Judge is assailed firstly that the Learned Trial Judge erred in assessing the monthly income of the victim as Rs. 6000/- and not Rs. 12,000/- which appears from deposition of P.W. 1 secondly the compensation awarded is inadequate, and thirdly the interest was not awarded from date of filing of the case.

Heard Learned Advocate for the claimant/appellant and Learned Advocate for the respondent no-1 perused the evidence adduced and materials on record.

Learned Advocate for the appellant submits that the Learned Trial Judge erred in not proceeding to compute compensation on the basis of monthly income of Rs. 12,000/- and proceeded on the basis of monthly income at Rs. 6,000/-. Learned Advocate draws attention to the Government Circular regarding monthly minimum wages in West Bengal for the year 2022.

The circular reads as follows:

The minimum wage for a private tuition teacher in West Bengal in 2022 varied depending on whether they were covered under specific scheduled employment categories and their skill level. There was no single minimum wage specifically for “private tuition teacher as a distinct state-wide category, but rather applicable rates under the general ‘shops and Establishments’ or similar categories.

The applicable monthly minimum wages in West Bengal for the year 2022 (split into two periods) were

January 1, 2022-June 30, 2022 and July 1, 2022-December 31, 2022.

Category	Zone A (Monthly)	Zone B. (Monthly)
Skilled	Rs. 10,775.00	Rs. 9,685.00
Highly Skilled	Rs. 11, 852.00	Rs. 10,655.00
July 1, 2022	December 31, 2022.	
Category	Zone A (Monthly)	Zone B(Monthly)
Skilled	Rs. 11,180/-	Rs. 10,138/-
Highly skilled	Rs. 12, 297/-	Rs. 11, 154/-

At the very outset it is to be remembered that the concept of wages is not applicable to private tuitions. A person who takes up the task of teaching individual students at their respective residence will charge tuition fees which according to him is just and reasonable after discussion with the parents of such students. Similarly a person who opens a coaching centre to give tuition to students will also charge tuition fees which they think just and reasonable. From the clause of the circular 'there was no single minimum wage specifically for 'private tuition teachers' as a distinct state-wide category but rather applicable rates under the general shops and Establishments' or similar categories will go to show that there cannot a single minimum wage which an individual student will be bound under law to pay his private tutor/private teacher.

Now the question which comes for consideration is whether the monthly minimum wages mentioned for the period January 1, 2022 till June 30, 2022 as Rs. 9,685/- and Rs. 10,655/- for skilled and Highly skilled respectively in Zone B (Monthly) means individual Tuition fees. In the event such logic is accepted the students of rural areas will hardly get an opportunity of Private tuition, which cannot be the intention of Government Authority.

Thus minimum wages as mentioned in the circular which provides rates under the general shops and Establishment or similar category will mean any person engaged as teacher on monthly salary by a person or firm running a tutorial home or coaching centre and charging tuition fees from all students taking tuition. In the instant matter it is not the case of the claimants that the victim was the private tutor/teacher at a tutorial home coaching centre engaged by the owner of the tutorial home or coaching centre. Thus the Learned Trial Judge rightly assessed Rs. 6,000/- per month as notional income and awarded the compensation. Hence there is no scope to interfere with the principal sum awarded. However with regard to interest this Court is of the view that interest should be awarded @ 6% p.a. from the date of filing of the claim case till date of actual payment.

Thus this Appeal stands disposed.

The Judgment and Award dated 31st August 2024 passed by Learned Additional District Judge Fast Track 1st Court Jalpaiguri in MAC Case No-604 of 2022 with regard to principal amount is affirmed. However the respondent no-1 United India Insurance Co. Ltd. is directed to pay interest on the Principal amount awarded by the Learned Trial Judge @ 6% p.a. from the date of filing of claim case till actual payment. Such deposit before Registrar Circuit Bench Jalpaiguri High Court Calcutta shall be made within 5 weeks from the date of communication of this Order.

(Biswaroop Chowdhury, J.)