

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 474 of 2025

Johiruddin Biswas @ Jinnat Ali & Ors.

Versus

Managing Director, Calcutta State Transport Corporation

For the Appellants : Mr. Muktakesh Das

For the Respondent/C.S.T.C : Mr. Sanjay Paul

Heard on & Judgment on : 18th June, 2026

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been filed against the judgment and award dated 5th July, 2014 passed by the Learned Judge, Motor Accident Claims Tribunal, 3rd Court, Nadia, Krishnagar in M.A.C. Case No. 173 of 2010 under Section 166 of the Motor Vehicles Act.
3. An application under Section 166 of the Motor Vehicles Act had been filed by the claimants on account of the death of the victim in an accident which occurred on 3rd December, 2009 at 11.50 A.M. with the involvement of an offending vehicle being Bus bearing

registration No. W.B. 04 D/7737 which proceeding at an excessive speed, rashly and negligently hit the victim who was alighting from trolley van near Krishnagar. The victim was thereafter shifted to Tehatta hospital for treatment and subsequently referred to District Hospital wherefrom she was transferred to N.R.S. hospital at Kolkata for treatment wherein she succumbed to her injuries on 3rd December, 2009.

4. Learned Advocate representing the appellants/claimants submitted the Learned Tribunal had inadequately assessed the compensation considering the notional income to the extent of Rs. 15,000/- per year.
5. The Learned Advocate representing the respondent/C.S.T.C. objected to the same claiming the amount of assessment by the Learned Tribunal on the basis of the compensation is concerned had been adequate.
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/C.S.T.C., this Court restricts itself only to the extent of issues agitated by the respective parties. Considering the fiscal index at the relevant date of accident the monthly income of the victim is concerned to be Rs. 3000/-.

7. Considering the observations of the Hon'ble Apex Court in National insurance company Ltd. Vs. Pranay Shetty & Anr¹ and Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr.² The impugned award of Rs. 1,59,500/- is modified as follows:

Monthly Income	Rs. 3000/-
Annual income	Rs. 36,000/-
Future Prospect to be added(40%)	Rs. 14,400/-
	Rs. 50,400/-
1/4 th Personal Expenses	Rs. 12,600/-
	Rs. 37,800/-
Multiplier to be "15"	X 15
	Rs. 5,67,000/-
General Damages	Rs. 70,000/-
	Rs. 6,37,000/-
Less	Rs. 1,59,500/-
Entitlement	Rs. 4,77,500/-

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 1,59,500/- The appellants/claimants are entitled to a sum of Rs. 4,77,500/- along with interest at the rate of 6% per annum to be paid from the date of filing of the claim application i.e. 17.05.2010 till the date of realization. The appellants/claimants are also entitled to get interest @ 6 per cent per annum on the awarded sum of Rs. 1,59,500/- from the date of filing of claim case i.e. on 17.05.2010 till the date of deposit, if not paid earlier. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal

1 2017(4)TAC 673(S.C)

² (2009) 6 SC 121

& Ors.³ 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.

9. The Learned Advocate for the respondent /C.S.T. is to deposit the balance sum of Rs. 4,77,500/- 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.
10. The office of the Learned Registrar General, High Court, Calcutta shall encash the said cheque and, thereafter, disburse the same directly to the bank account of the present appellants/claimants as mentioned in the impugned judgment and award passed by the Learned Judge, Motor Accident Claims Tribunal, 3rd Court, Nadia, Krishnagar in M.A.C. Case No. 173 of 2010 under Section 166 of the Motor Vehicles Act on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
11. The instant appeal is disposed of accordingly.
12. The pending applications, if any, stands disposed of.
13. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

³ 2025 INSC 361

