

15.10.2026
Item No.9
Ali
ct. no.9

In the High Court at Calcutta

Civil Appellate Jurisdiction

Appellate Side

FMAT (MV) 199 of 2026

Shekhar Sahoo & Ors.

Vs.

The National Insurance Company Ltd. & Anr.

Mr. Amit Ranjan Roy
..... for the appellants/claimants.

Ms. Sucharita Paul
..... for the respondent/Insurance Co.

1. Learned Advocates for the parties are present.
2. Heard learned Advocates.
3. The appellants before this Court were the claimants in a case under Section 166 of the Motor Vehicles Act, 1988, and are aggrieved by the judgment and award dated 1st December, 2025, passed by learned Additional District Judge, Fast Track, 1st Court, Tamluk, Purba Medinipur, in MAC Case No. 554 of 2021.
4. The case of the claimants/appellants before the learned Trial Court may be summed up thus:
"At the material time on 12.09.2021 at about 11:15 A.M. while the victim Soumendu Sahoo was proceeding with his motor cycle being no. WB-30AH/3182 from Hanschara side to Chandipur

side and proceeding safely by keeping left side of the road and maintaining normal speed, suddenly the offending vehicle being no. WB-29/8153 (Truck) which was also coming from Hanschara side with terrific speed endangering to human life and safety suddenly dashed to the motor cycle in a great force. As a result the victim fell down on the road and sustained severe injury in his whole body specially on his head. Local people rescued the victim and sent him to Erashal BPHC but the medical officer declared the victim dead on the way to hospital.

The accident was caused due to rash and negligent driving of the driver of the offending vehicle being no. WB-29/8153 (Truck).

5. Pursuant to the filing of this case notice was issued upon the opposite parties. Opposite party vehicle owner did not contest the case by filing written statement. However, opposite party Insurance Company Ltd. contested the case by filing written statement. Issues were framed and evidences were adduced. Learned Trial Judge upon considering the evidences adduced and upon hearing the learned Advocates was pleased to dispose of the claim case by observing and directing as follows:

“Hence, it is,

ORDERED

that the National Insurance Co. Ltd. is liable to pay Rs.60,500/- to claimant No.1 Shekhar Sahoo and Rs.7,40,900/- to claimant No.2 Tapati Sahoo. The above amount would carry an interest at the rate of 6% p.a. which would be calculated on the above amount from the date of filing of the petition till the date of actual realization thereof, in default of which, claimants would be at liberty to take recourse to law for realization of above amount. The insurance Company is directed to credit the above amount along with interest directly to the bank account of claimants as soon as said bank account details are furnished by claimants to them. Payment would be made strictly upon verification of above accounts by insurance company. Needless to mention that said bank accounts would be verified by insurance company either on the same date on which said bank accounts details are furnished by claimants to the insurance company or on the next day and not beyond said date, and payment would be credited within an hour of completion of process of verification of bank accounts of claimants. However, till payment of DCF on above amount i.e. Rs.8,01,400/- is made by claimants no amount would be credited to their account by the insurance company".

6. The appellants/claimants being aggrieved by the quantum of compensation awarded by the learned Trial Judge has come up with the instant appeal.

7. Heard learned Advocate for the appellants/claimants and learned Advocate for the respondent/Insurance Company.
8. Perused the evidence adduced and materials on record.
9. Learned Advocate for the appellants submits that the learned Trial Judge erred in not considering the evidence of PW-3 who was an employer of the victim. Learned Trial Judge further submits that the occupation of the victim being technical person as per the evidence of PW-3 monthly income ought to have been considered as Rs.14,000/-. Learned Advocate also submits that the compensation awarded on the basis of notional income of Rs. 4,500/- is meagre. Learned Advocate relies upon the following judicial decision ***SLP 47869 of 2024 Jyotsna Roy & Anr Versus The National Insurance Company Ltd.***
10. Learned Advocate for the respondent/Insurance Company submits that the claimants were unable to prove the income of the victim. Thus the learned Trial Judge did not commit any error by proceeding on the basis of notional income. Learned Advocate further submits that the certificate issued by PW-3 and his evidence is not specific thus reliance cannot be placed on the

said certificate and the evidence. Learned Advocate also submits that the learned Trial Judge upon considering the evidence has considered the monthly notional income as Rs.4,500/-.

11. Upon hearing the learned Advocates and considering this facts of the case and the evidence of PW-3 this Court is of the view that the evidence of PW-3 who has claimed himself to be the employer of the victim is not specific with regard to the period from when the victim worked as well as could not say as to whether the Register of attendance of staffs was maintained or not and neither the said witness could say where the certificate was typed.

12. In the facts and circumstances, this Court is of the view that although there may be ground to presume that the victim used to work as a technical person under PW-3 but there is no scope to consider the monthly income as Rs.14,000/-. However considering the nature of work and the deposition that the victim had pursued course on technical education and his age and the number of members of his family it would be just and reasonable to consider the monthly income of the victim as Rs. 8,000/-.

13. In the event the monthly income is Rs.8,000/- 40% future prospect being added which is Rs.3,200/- the net monthly income comes to Rs.11,200/-. Annual dependency loss comes to Rs.1,34,400/-. The multiplier of 18 being applied the total dependency loss comes to Rs.24,19,200/-. 50% deducted on account of personal expenses the net total dependency loss comes to Rs.12,09,600/-. Further the claimants are entitled to general damages on account of loss of consortium, loss of estate and funeral expenses amounting to Rs. 1,21,000/-. Thus Rs. 13,30,600/- is the total compensation which the claimants are entitled as per arithmetical calculation. However this Court is of the view that compensation of Rs.13,00,000/- is just and reasonable.

14. Hence, this appeal FMAT (MV) 199 of 2026 stands disposed. The judgment and award dated 1st December, 2025, passed by learned Additional District Judge, Fast Track, 1st Court, Tamluk, Purba Medinipur, in MAC Case No. 554 of 2021 stands modified to the extent that the appellants/claimants are entitled to compensation of Rs.13,00,000/-. The respondent No. 1/ National Insurance Company shall deposit before learned Registrar General, High Court, Calcutta

Rs.13,00,000/- along with interest @ 6% per annum from the date of filing of the claim case till today. Such deposit shall be made within eight weeks from the date of communication of this order.

15. In the event the compensation awarded by the learned Trial Court is either paid or deposited before the Trial Court the balance amount be deposited. The claimants/appellants will be entitled to withdraw the compensation upon compliance of necessary formalities.

16. As submitted by the learned Advocate that the compensation awarded by the learned Trial Court is already received the balance amount of compensation be deposited by the Insurance Company.

17. This appeal **FMAT (MV) 199 of 2026** stands disposed of.

18. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Biswaroop Chowdhury, J.)