

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. _____ OF 2026
(Arising out of SLP(Civil) No.35928/2025)

MADHABI DAS

Appellant(s)

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED & ANR.

Respondent(s)

O R D E R

1. Leave granted.
2. The appellant/ claimant preferred Claim Petition upon death of the deceased victim, *Dipak Das*, aged 25 years who died in a road accident which occurred on 24.06.2019. The deceased was a vegetable vendor. His notional income was assessed by the Motor Accident Claims Tribunal (for short, MACT') at Rs.5,000/- per month and the same has been increased by the High Court, under the impugned order, at Rs.6,000/- per month.
3. Referring to the judgment rendered by this Court in Civil Appeal No. 2138 of

2026 in the case of *Smt. Sarathi Barman versus Reliance General Insurance Company Ltd. and Anr.* vide order dated 18.02.2026, it is argued that the appellant is also entitled to compensation of Rs.14,00,000/- for the reason that in the matter of *Smt. Sarathi Barman (supra)* also, the deceased was a vegetable vendor.

4. Learned counsel for the respondent(s) submits that the deceased can be treated as an unskilled person therefore, on the basis of the Minimum Wage Notification issued by the Government of West Bengal on 24.06.2019 which was in operation on the date of the accident, the Minimum Wage for an unskilled person belonging to Zone-B category was Rs.7176.00/-. Therefore, appellant's claim for notional income at Rs.9,000/- per month is not acceptable.

5. It is also submitted that in the matter of *Smt. Sarathi Barman (supra)*, this Court has fixed lumpsum compensation without laying down any principle of law.

Therefore, the said judgment is not applicable.

6. Considering the order passed by this Court in *Smt. Sarathi Barman (supra)*, wherein also, the deceased was a vegetable vendor, we deem it appropriate to allow the appeal in part by enhancing the compensation to a lumpsum amount of Rs,14,00,000/- .

7. Accordingly, the appeal is allowed in part and the amount awarded by the MACT, as modified by the High Court, stands further modified directing that the appellant/ claimant shall be entitled to a compensation of Rs.14,00,000/- with interest at the same rate as has been awarded by the MACT.

8. The respondent-Insurance Company shall be liable to pay the balance amount as, according to the learned counsel appearing for the Insurance Company, the amount awarded by the High Court has already been paid to the appellant/claimant. Let the balance amount

be deposited by the Insurance Company directly to the bank account of the appellant/claimant within a period of three months, details of which shall be given by the appellant/claimant to the Insurance Company.

9. Pending application(s), if any, shall stand closed.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(SHREE CHANDRASHEKHAR)

New Delhi
13-07-2026

ITEM NO.47

COURT NO.13

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 35928/2025

[Arising out of impugned final judgment and order dated 14-08-2025 in FMA No. 45/2024 passed by the High Court of Calcutta Circuit Bench at Jalpaiguri]

MADHABI DAS

Petitioner(s)

VERSUS

ORIENTAL INSURANCE COMPANY LIMITED & ANR.

Respondent(s)

IA No. 307243/2025 - EXEMPTION FROM FILING O.T.

Date : 13-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Petitioner(s) :

Mr. Gobinda Saha, Adv.
Ms. Indira Goswami, AOR
Mr. Milan Laskar, Adv.
Ms. Srija Bhowmick, Adv.
Mr. Bhavya Tokas, Adv.
Mr. Yuvraj Jaiswal, Adv.
Ms. Bhavya Khandelwal, Adv.
Ms. Paakhi Suri, Adv.
Mr. Abhishek Sharma, Adv.
Mr. Shahnawaz Ahmed, Adv.

For Respondent(s) :

Mr. Jpn Shahi, Adv.
Mr. Mrigank Prabhakar, AOR
Ms. Astha Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.
2. The appeal is allowed in part in terms of the signed order.

3. Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)

(signed order is placed on the file)