



CIVIL

Negligent Parking on National Highways: A Landmark Ruling on Liability and Compensation

<p>2026:CHC-AS:841 | Calcutta High Court | Justice Biswaroop Chowdhury | June 9, 2026 Introduction In a significant judgment delivered on June 9, 2026, the Calcutta High Court, in the matter of Bajaj Allianz General Insurance Co. Ltd. versus Saanvi Samanta & Anr. and connected matters (2026:CHC-AS:841), addressed two fundamental questions of motor accident law: first, [...]</p>

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PUBLISHED 17 June 2026

Introduction

In a significant judgment delivered on June 9, 2026, the Calcutta High Court, in the matter of Bajaj Allianz General Insurance Co. Ltd. versus Saanvi Samanta & Anr. and connected matters (2026:CHC-AS:841), addressed two fundamental questions of motor accident law: first, whether a stationary vehicle illegally parked on a national highway can be held liable for a resulting accident; and second, how courts ought to assess just and reasonable compensation for the loss of a non-earning housewife. The decision, rendered by Justice Biswaroop Chowdhury, reaffirms well-settled principles of tortious liability while also enhancing the compensation awarded to the bereaved claimants.

Background and Factual Matrix

The litigation arose from a tragic road accident that occurred on April 16, 2022 on NH-6 near the Harina Bus Stand, under the jurisdiction of Kharagpur (Local) Police Station. Shamit Samanta was travelling with his wife Barnali Samanta Nandi and their two minor daughters from Kolkata to Midnapore. A speeding lorry overtook their vehicle from the extreme left, ran over a soiled shoulder, and generated a cloud of dust that rendered visibility near zero. At that precise moment, vehicle WB-33/5717, a mini-truck, was found parked in the middle of the highway at an unauthorised no-parking zone without any warning signal. The victim's car collided with the rear of this stationary truck with devastating consequences. Both Shamit and Barnali died at the scene. Their elder daughter Sinjini was rushed to Midnapore Medical College and Hospital, where she too succumbed to her injuries. The younger daughter Saanvi survived but sustained severe injuries to both knees requiring ongoing medical treatment.

Proceedings Before the Trial Court

Two separate Motor Accident Claim petitions were instituted before the Additional District Judge, Fast Track 3rd Court, Sadar Paschim Medinipur. MAC Case No. 262 of 2022 was filed on behalf of the minor Saanvi Samanta through her guardian grandfather for the death of her mother Barnali, a housewife. The Trial Court awarded a sum of Rs. 9,17,000 along with interest at 6% per annum. MAC Case No. 261 of 2022 was filed by Alo Samanta and others for the death of Shamit Samanta, the sole breadwinner, and the Trial Court awarded a substantially higher sum of Rs. 2,10,79,100 with interest at the same rate. Bajaj Allianz General Insurance Co. Ltd., the insurer of the offending vehicle, contested both matters and subsequently preferred appeals before the High Court, while the claimants filed cross-objections seeking enhancement.

Issues in Contention

The primary legal issues before the High Court centred on two distinct areas. On the question of liability, the insurer contended that since vehicle WB-33/5717 was stationary at the time of impact, its driver bears no responsibility for the collision. It was further argued that the accident occurred in broad daylight at 9:00 AM, negating any claim of reduced visibility, and that photographs of the victim's vehicle indicated it was travelling at high speed, implying contributory negligence. As regards compensation, the insurer challenged the notional monthly income of Rs. 5,000 attributed to the deceased housewife, while the claimants contended in their cross-objections that both the income figure and the compensation ought to be substantially enhanced. In the case relating to Shamit Samanta, the claimants additionally sought filial consortium which the Trial Court had not awarded.

The Court's Analysis and Ruling

Justice Chowdhury categorically rejected the contention that a stationary vehicle is absolved of liability. Relying on established principles of tort law, the Court held that the unauthorised parking of a vehicle in a non-parking zone in the middle of a national highway constitutes an act of negligence, regardless of whether the vehicle was in motion at the time of the accident. The police charge sheet corroborated this position, expressly recording that the offending vehicle had been parked illegally on the road. The Court also upheld the credibility of the eye witnesses, P.W. 2 and P.W. 4, noting that the absence of a formal summons does not undermine the reliability of a witness whose testimony creates judicial confidence and whose identity is corroborated by the charge sheet.

Compensation for the Deceased Housewife

On the sensitive question of compensating for the loss of a homemaker, the Court drew extensively from the Supreme Court's ruling in *Arun Kumar Agarwal v. National Insurance Co. Ltd.*, (2010) 9 SCC 218, which articulated that the gratuitous and selfless services rendered by a wife and mother to her family are incapable of precise monetary quantification. The Court affirmed that no hired housekeeper or domestic aide can substitute for the irreplaceable role of a mother. Taking into account the family's socio-economic status and the full scope of the deceased's domestic responsibilities, the High Court enhanced the compensation from Rs. 9,17,000 to Rs. 11,00,000, with interest at 6% per annum from the date of filing the claim. The appeal concerning Shamit Samanta was dismissed in its entirety, with the Trial Court's award of Rs. 2,10,79,100 affirmed, as the claimants had duly proved his income through his employer's testimony.

Significance of the Judgment

This judgment carries significant implications for motor accident jurisprudence in India. It is a firm reminder to vehicle owners and operators that parking on a national highway without authorisation or adequate warning signals is a tortious act that attracts civil liability irrespective of the vehicle's stationary status. Equally important is the Court's approach to housewife compensation, which reflects a growing judicial recognition that domestic labour constitutes genuine and compensable economic value.

Conclusion

The Calcutta High Court's decision in this matter underscores the judiciary's commitment to ensuring that victims of road accidents and their families receive meaningful and just redress. The ruling on the liability of illegally parked vehicles clarifies an important dimension of negligence law, while the enhanced compensation for the deceased housewife reflects a progressive and humane approach to the valuation of domestic services.

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