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March 24, 2021.
AKG

**CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri**

FMAT 34 of 2019

(Through Video Conference)

Preeti Agarwal

-vs.-

Bazaz Allianz General Insurance Company Limited & Anr.

Mr. Subir Banerjee,
Mr. Abhijit Raha

...for the Appellant.

Mr. Abhijit Roy Chaudhury,

...for the Respondent No. 1.

This appeal is arising out of a judgment and award dated January 22, 2019 passed in MACC Case No.02 of 2017.

Learned advocate appearing for the appellant submits that the tribunal ought to have added future prospects @ 40 per cent since the deceased was a twenty four year old bachelor at the time of accident. He further submits that the appellant is also entitled to general damages of Rs.30,000/- instead of Rs.5,000/- as granted by the tribunal.

In terms of the judgments reported at (2017) 16 SCC 680 (*National Insurance Company Limited v. Pranay Sethi*) and JT 2009 (6) SC 495 (*Smt. Sarla Verma v. Delhi Transport Corporation*), the award impugned in this appeal requires to be modified.

The award of the tribunal below is modified to the extent as indicated herein below:

Upon annualising the monthly income of Rs. 18,000/- and deducting 50 per cent on account of personal expenses and adding 40 per cent for future prospects, it is the figure of Rs. 12,600/- on which multiplier of 18 has to be applied since the victim was aged about 20 years when he died. To the net compensation of Rs. 27,21,600/-, general damages of Rs. 30,000/- has to be added. The gross amount of compensation is, therefore, Rs. 27,51,600/-.

The claimant will be entitled to the aforesaid amount together with interest @ 7 per cent per annum from the date of lodging of the case before the tribunal till the actual payment is made.

The appellant acknowledge having received the entire amount as awarded by the tribunal.

The insurance company will calculate the balance amount due to the appellant in terms of this order and make over such amount to the appellant. The payment should be made directly to the bank account of the appellant within 45 days from date.

The bank account details of the appellant should be forwarded by the advocate for the appellant to the advocate for the insurance company within a fortnight from date.

FMAT 34 of 2019 and CAN 1 of 2019 are disposed of without any order as to costs.

(Kausik Chanda, J.)