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March 24, 2021.
AKG

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

FMAT 36 of 2019

(Through Video Conference)

Mallika Chakraborty and others

-vs.-

The National Insurance Company Limited and another

Mr. Subir Banerjee,
Mr. Abhijit Raha

...for the Appellants.

Ms. Supriya Singh

...for the Respondent No. 1.

This appeal is arising out of an award dated August 20, 2018 passed in MACC Case No. 358 of 2016.

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 tribunal ought to have taken into account future prospect of the victim @ 25 per cent since the victim was 48 years old at the time of accident. The tribunal also should have awarded full complement of Rs.7,000/- on account of general damages instead of Rs.9,500/-. The award of the tribunal below is accordingly modified as follows:

The monthly income of the victim was assessed as Rs. 18,000/- per month by the tribunal. After adding 25 per cent of the net income on account of future

prospects and deducting one-third on account of personal expenses the figure arrived at is Rs. 15,000/-.

Therefore, the annual income of the deceased will be Rs.1,18,000/- upon which the multiplier of 13 is to be applied. The claimants are entitled to a further sum of Rs. 70,000/- as general damages. The tribunal granted Rs. 40,000/- for medical expenses. The total compensation amount, therefore, is Rs.24,50,000/-.

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

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

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

FMAT 36 of 2019 is disposed of without any order as to costs.

(Kausik Chanda, J.)