

08
March 24, 2021.
AKG

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

FMAT 38 of 2019

(Through Video Conference)

**Abeda Khataun alias Khatun and another
-vs.-
The National Insurance Company Limited and another**

Mr. Subir Banerjee,
Mr. Abhijit Raha

...for the Appellants.

Mr. Gobinda Saha

...for the Respondent No. 1.

This is an appeal arising out of an award dated March 22, 2018 passed in MACC Case No. 118 of 2015.

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 since the tribunal has failed to add future prospects and the applicable multiplier in this case should have been 18. The tribunal ought to have granted general damages of Rs.70,000/- instead of Rs.9,500/-.

The tribunal assessed the annual income of the deceased to be Rs. 2,24,860/-. After adding 40 per cent on account of future prospects and deducting one third for personal expenses, it is the figure of Rs. 2,09,869/- upon which the multiplier of 18 is to be applied. After

adding Rs. 70,000/- for general damages the total compensation becomes Rs. 38,47,642/-

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 38 of 2019 is disposed of without any order as to costs.

(Kausik Chanda, J.)