

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

COT 4426 of 2005
in
FMA 236 of 2008

Subir Kumar Mohanta
Vs.
National Insurance Company Ltd. & Anr.

Mr. Sandip Bandyopadhyay
Ms. Ruxmini Basu Roy
... For the claimant/cross-appellant

Mr. Deb Narayan Roy
... For the respondent/Insurance Company

It is submitted on behalf of both the learned advocates for the parties that in the order dated 7th November, 2022, at the time of calculation, disability has not been considered mistakenly. Both the learned advocates on behalf of the parties conceded that total compensation would be reduced after deducting 30% and taking 70% disability into consideration.

In the aforesaid view of the matter, the calculation is being prepared afresh as follows:-

Monthly Income	Rs. 3,000/-
Annual Income (Rs.3,000/- x 12)	Rs. 36,000/-
Add: Future prospect (@ 10%)	Rs. 3,600/-

	Rs. 39,600/-
Less: 70% Disability (70% of Rs.39,600/-)	Rs. 27,200/-
Multiplier 11 (Rs.27,200/- x 11) Loss of dependency	Rs.3,04,920/-
Add: Pain and Suffering	<u>Rs.1,00,000/-</u>

	Rs.4,04,920/-
Less: Award of Learned Tribunal	<u>Rs.2,00,000/-</u>
ENHANCEMENT	Rs.2,04,920/-

It is reported that claimant has already received Rs.2,00,000/- (rupees two lakhs only). Claimant is entitled to balance amount of Rs.2,04,920/- (rupees two lakhs four thousand nine hundred twenty only) along with interest at the rate of 6% per annum from the date of filing of the claim petition till deposition of the amount before the Office of the Learned Registrar General, High Court, Calcutta.

Insurance Company is directed to deposit balance of Rs.2,04,920/- /- (rupees two lakhs four thousand nine hundred twenty only) along with interest @ 6% per annum from the date of filing of the claim petition till the actual deposit of the amount before the office of the learned Registrar General of this Court, within six weeks from date.

Learned Registrar General will disburse the amount to the injured/claimant/cross-appellant along with interest.

COT 4426 of 2005 stands disposed of accordingly.

The other remaining portions of the judgment dated 7th November, 2022 will remain unchanged.

(Bibhas Ranjan De, J.)