

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA No.399 of 2024

Aleya Bibi & Anr.

vs.

The United India Insurance Co. Ltd. & anr.

Mr. Amit Ranjan Roy

... for the appellants/claimants

Mr. Parimal Kumar Pahari

... for the respondent Nos.1/insurance company

Heard on: September 20, 2024.

Judgment on: September 20, 2024.

Ananya Bandyopadhyay, J:- The Learned Advocate for the appellants/claimants as well as respondent Nos.1/insurance company are present.

The instant appeal has been filed by the appellants/claimants agitating the impugned award dated 8th December, 2023 passed by the learned Motor, Accident Tribunal, Additional District Judge, 1st Court, Tamluk, Purba Medinipur, in MACC Case No.221 of 2017.

The Learned Advocate for the appellants/claimants submitted that the learned tribunal erred in computing the compensation amount challenged herein in not considering the grant for future prospect as well as 10% increase thereon with regard to the observation of the Hon'ble Apex Court Pranay in *National insurance company Ltd. Vs. Pranay Shetty & Anr.*

The occurrence of the accident, involvement of the offending vehicle, the driving licence, route permit and other ancillary issues were not disputed by the Learned

Advocate for the respondent Nos.1/insurance company. This Court restrict itself only to the extent of granting future prospect and 10% increment thereon with regard to the observation of the Hon’ble apex Court in Considering the observations of the Hon’ble Apex Court Pranay in *National insurance company Ltd. Vs. Pranay Shetty & Anr(supra)*. The impugned award of Rs. 5,16,000/- is modified as follows:-

Monthly Income	Rs. 4,500/-
Annual Income	X 12

	Rs. 54,000/-
Less: Personal Expenses (50%)	- 27,000/-

	Rs. 27,000/-
Add Future Prospects (40%)	Rs. 10,800/-

Multiplier to be “18”	Rs. 37,800/-
	18

	Rs. 6,80,400/-
Add: General Damages (10%)	Rs. 33000/-

	Rs.7,13,400,-
Less: Principal Award Received	Rs. 5,16,000/-

Entitled	Rs. 1,97,400/-
	Rs. 1,97,400/-

It was further submitted by both the learned advocates as aforesaid that the appellants/claimants have received a sum of Rs. 5,16,000/-. The appellants/claimants are entitled to receive the balance amount of Rs. 1,97,400/- at the rate of 6% per cent per annum from the date of filing of the claim application (29.04.2017) till the date of actual realization.

The respondent Nos. 1/insurance Company is to deposit the balance amount of Rs. 1,97,400/- along with interest at the rate of 6 % per cent per annum as aforesaid before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order.

The office of the learned Registrar General, High Court, Calcutta shall encash the cheque stipulating the entire calculated amount as aforesaid and thereafter disburse the same to the present appellants/claimants in the proportion as mentioned in the impugned judgment dated 8th December, 2023 passed by the learned Motor, Accident Tribunal, Additional District Judge, 1st Court, Tamluk, Purba Medinipur, in MACC Case No.221 of 2017 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Court fees.

The instant appeal being FMA 399 of 2024 is disposed of.

Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

S.R/c.m.

(Ananya Bandyopadhyay, J.)