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IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay
FMA 505 of 2023

Bajaj Allianz General Insurance Co. Ltd.
-Vs-
Madhuri Das & Anr.

For the Appellant/insurance co. : Mr. Soumalya Ganguli

For the respondent No.1/claimant. : Mr. Jayanta Mondal
Mr. Sayantan Rakshit

Heard on : 06.12.2024

Judgment on : 06.12.2024

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates for the appellant/insurance company as well as the respondent No.1/claimant are present.
2. The instant appeal had been filed against the judgment and order dated 14th February, 2023 passed by the learned Judge, Motor Accident Claims Tribunal, cum 3rd Court, Bankura in MAC Case No. 8 of 2017.
3. The Learned Advocates representing for both the parties submitted that the Learned Tribunal considering the oral and documentary evidence disposed of MAC Case No. 8 of 2017 which was not disputed by either of the Learned Advocates representing for both the parties in terms of the occurrence of

the accident, involvement of the offending vehicle, route permit, etc. However, during computation of the compensation award the Learned Tribunal erroneously did not deduct the percentage of “future prospect” and had granted a sum of Rs. 44,000/- towards consortium which had been wrongly awarded since the victim had been a ‘bachelor’ and the only claimant being the mother of the victim. The learned Tribunal in Paragraph 28 of the impugned award did commit the above error while computing the compensation to be awarded and the same is rectified in the following manner.

4. Considering the observations of the Hon’ble Apex Court in *National insurance company Ltd. Vs. Pranay Shetty & Anr¹* and *Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr.²*, the impugned award of Rs. 85,25,000/- is modified as follows:

Monthly income	Rs. 44,000/-
Annual Income	Rs. 5,28,000/-
	Rs. 2,64,000/-
Future Prospect to be added(40%)	Rs. 7,92,000/-
	Rs. 3,96,000/-
Less ½ Personal Expenses	Rs. 3,96,000/-
	X 16
Multiplier to be “16”	Rs. 63,36,000/-
Conventional Head	Rs. 30,000/-
Long Estate 15,000/-	Rs. 63,72,000/-
Funeral Exp. 15000/-	

² (2009) 6 SC 121

5. It was further submitted by the Learned Advocate for the appellant/insurance company that the Appellant/Insurance Company had deposited the entire awarded amount with an interest of 6 % per annum from the date of filing of the claim application as per the challan filed by the Learned Advocate representing the Appellant/Insurance company.
6. The respondent No.1/claimant is entitled to receive the balance amount of Rs. 63,72,000/- at the rate of 6% per cent per annum from the date of filing of the claim application i.e. 18.01.2017 till the date of actual realization.
7. The office of the Registrar General, High Court at Calcutta is to deduct the entire amount inclusive of the awarded amount as aforesaid along with an interest at the rate of 6 % per annum on the same from the date of filing of the claim application till the date of realization, from the deposited amount in this Court to the present respondent No.1/claimant as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, cum 3rd Court, Bankura in M.A.C. Case No. 8 of 2017 and refund the differential amount through a cheque to the learned advocate representing the appellant/insurance company for the accounts of the insurance company.
8. The interest generated on the sum of money deposited by the appellant/insurance company at the office of the Learned Registrar General, High Court at Calcutta which has been

further deposited in the nationalized bank by the office of the Learned Registrar General, High Court at Calcutta is to be apportioned to the present respondent No.1/claimant. On proof of proper identification of the respondent No.1/claimant subject to payment of ad valorem Court's fee and the sum of interest accrued on the aforesaid amount is to be refunded to the appellant/insurance company through distinct account payee cheques.

9. The instant appeal is disposed of accordingly.
10. The interim order if any stand vacated.
11. The TCR be sent down to the concerned Tribunal forthwith.
12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)