

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1360 of 2022

Sandhyarani Jana & Ors.
v.
The New India Assurance Co. Ltd. & Ors.

Mr. Jayanta Kr. Mondal
Mr. Sayantan Rakshit ... for the appellants/claimants.

Mr. Sanjoy Paul
Ms. Jaita Ghosh ... for the respondent no.1/insurance company.

Heard on: June 27, 2024 and July 16 and 18, 2024.

Judgment on: August 7, 2024.

Ananya Bandyopadhyay, J:- The learned advocates for the appellants/claimants and the respondent/insurance company are present.

The instant appeal has been preferred against the impugned judgment and award dated 24th February, 2021 passed by the learned Motor Accident Claims Tribunal, 2nd Court, Tamluk, Purba Medinipur in MAC Case No.95 of 2015.

The learned advocate for the appellants/claimants at the outset submitted that the compensation awarded by the learned Tribunal is not flawed. However, there has been a lapse in view of the computation whereby there shall be an

enhancement of 10% on the general damages of Rs.70,000/- to be awarded on account of loss of Funeral expenses and loss of consortium in view of the decision of the Hon'ble Apex Court in National Insurance Company Ltd. Vs. Pranay Sethi & Ors.,¹ with an increase of 10% thereof every three years.

The learned advocate for the respondent/insurance company conceded to the submission of the learned advocate for the appellants/claimants.

This Court limits its decision only to the extent of grant of Rs.14,000/- in excess of Rs.70,000/- awarded, as stated above, under three distinct heads considering the enhancement of 10% on the amount of Rs.70,000/- every three years.

In view of the decision of the Apex Court in National Insurance Company Ltd. Vs. Pranay Sethi & Ors., the learned advocate for the respondent/insurance company is to deposit the balance sum of Rs. 14,000/- along with 6 % per cent interest per annum from the date of filing of the claim application before the office of the learned Registrar General, High Court Calcutta within eight weeks from the date of passing of this order.

On receipt of the said amount, the office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, 2nd Court at Tamluk, Purba Medinipur in M.A.C.Case, No.95 of 2015 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Courts fees.

Accordingly, the appeal being FMA 1360 of 2021 is disposed of.

¹ 2017 ACJ 2700 (SC)

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

J.) S.R.

(Ananya Bandyopadhyay,