

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMAT (MV) 486 of 2023

Archana Chakrabartty & Anr.

-Vs-

The United India Insurance Company Limited & Anr.

For the Appellants/Claimants : Mr. Amit Ranjan Roy

For the Respondents : Mr. Rajesh Singh

Heard on : 21.06.2024

Judgment on : 02.07.2024

Ananya Bandyopadhyay, J.:-

1. The instant appeal has been filed for the modification of the compensation awarded by the Learned Motor Accident Claims Tribunal, Fast Track Court-II, Howrah in M.A.C.C. No. 112 of 2018 vide judgment dated 23rd November, 2022.
2. An application under Section 166 of the Motor Vehicles Act, 1988 was filed by the parents of the victim who died in motor vehicle accident on 16.04.2018, at about 7 p.m. whereby the deceased victim was a pillion rider on a motorcycle bearing no. WB-30-Y-8829 was hit by a lorry/tanker bearing no. WB-29/5471 at a road near IPCL Company proceeding from Manjushri Side towards C.T. Centre Side. The deceased victim subsequently

died at Haldia S.D. Hospital. The respondent/insurance company i.e. United India Insurance Company Limited contested the aforesaid M.A.C. Case.

3. The Motor Accident Claims Tribunal, Fast Track Court-II, Howrah disposed of the issued framed through a judgment dated 23rd November, 2022, awarding a sum of Rs.10,96,000/- (Rupees Ten Lakh Ninety Six Thousand Only) along with an interest of 9% per annum from 04.06.2018 till the date of payment to be paid in equal amount to either of the parents of the deceased victim.
4. Heard the rival contentions of the Learned Advocates for the claimants as well as the respondent/insurance company.
5. The Learned Tribunal erred in granting a sum of Rs.40,000/- for loss of consortium which should not have been awarded since the deceased victim was a bachelor. The Learned Tribunal further erred in calculating the future prospect.
6. In view of the observation of the Hon'ble Supreme Court in the decisions cited in ***Sarla Verma (Smt) and Ors. Vs. Delhi Transport Corporation and Anr.***¹ and ***National Insurance Company Limited Vs. Pranay Sethi and Ors.***², the calculation of compensation shall be as follows:-

Monthly Income	= 9,000/-
Future prospect @ 40%	=3,600/-
Income (9,000+3,600)	=12,600/-
Deduction towards personal expenses @ 50% of 12,6000/-	= 6,300/-
Annual Income (6,300 x 12)	= 75,600/-

¹ (2009) 6 SCC 121

² (2017) 16 SCC 680

Annual Income x Multiplier (75,600 x 18)	=13,60,800/-
Loss of Estate	= +15,000/-
Funeral expenses	=+15,000/-
Total amount of compensation	=13,90,800/-

7. The Learned Motor Accident Claims Tribunal awarded a sum of Rs.10,96,00/- along with an interest to be paid at the rate of 9 % per annum from the date of filing of this application till the date of payment.
8. The aforesaid awarded compensation is modified to Rs.13,90,800/- (Rupees Thirteen Lakhs Ninety Thousand Eight Hundred Only) to be paid at an interest of 6% per annum from the date of filing of the claim application.
9. The respondent/insurance company had deposited the sum of compensation at the office of Registrar General, High Court at Calcutta along with the interest as aforesaid. The differential amount of the compensation awarded by this Court modifying the amount awarded by the Learned Motor Accident Claims Tribunal is to be deposited at the office of the Registrar General, High Court at Calcutta within six (6) weeks to be disbursed between the both the appellant parents in equal amount through distinct cheques.
10. The instant appeal is accordingly disposed of.
11. There is no order as to costs.
12. Parties shall act upon the server copy of this judgment.
13. Photostat certified copy of this order, if applied for, be given to the parties on priority basis on compliance of all formalities.

(Ananya Bandyopadhyay, J.)