

Form No.J(2)

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

Present:

**The Hon'ble Justice Ananya Bandyopadhyay**

**FMA 179 of 2025**

**Sabitri Maiti & Anr.**

**Versus**

**IFFCO Tokio Geneal Insurance Company Limited & Anr.**

For the appellants/claimants. : Mr. Amit Ranjan Roy

For the respondent nos. 1 : Mr. Rajesh Singh

Heard & Judgment on : 17<sup>th</sup> April, 2025

**Ananya Bandyopadhyay, J:**

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been filed against the judgment and award dated 05.11.2024 passed by the learned Judge, Motor Accident Claims Tribunal, Fast Track 1<sup>st</sup> Court, Tamluk, Purba Medinipur in M.A.C. Case No. 60 of 2016.
3. An application under Section 166 of the Motor Vehicles Act, 1988 had been filed on account of accident which occurred on 25.03.2016 at about 8.00 a.m. on NH-41 near Kakgechia Bus Stand within the jurisdiction of P.S.-Tamluk, Purba Medinipur with the involvement of the offending vehicle being a 'Motorcycle' bearing registration No. WB30Q-9885 which proceeding at an exceeding speed rashly and negligently hit the victim who suffered severe injuries all over his body and was admitted at Purba Medinipur Medical College and Hospital wherein she was declared to have expired.

4. The Learned Advocate representing the appellants/claimants submitted that the Learned Tribunal erred in considering future prospect only to the extent of one year rather than granting 25% in terms of the multiplier of '13' and the principle as mentioned in the judgment of the Hon'ble Supreme Court in National insurance Co. Ltd. -Vs.- Pranay Sethi & Ors.
5. The Learned Advocate representing the respondent No.1/insurance company opposed the submission of the learned Advocate representing the appellants/claimants and submitted that the learned Tribunal was justified in passing the impugned judgment and order.
6. Since the occurrence of the accident, insurance policy, the driving licence, route permit etc. and other ancillary issues are not disputed by the learned advocate representing the respondent No.1/insurance company, this Court restricts itself only to the extent of modifying the erroneous compensation assessed by the learned Tribunal. Considering the observations of the Hon'ble Apex Court in National insurance company Ltd. Vs. Pranay Shetty & Anr<sup>1</sup> and Sarala Verma & Ors. -Vs.- Delhi Transport Corporation & Anr.<sup>2</sup> the impugned award of Rs. 34,45,060/- is modified as follows:-

|                                            |                 |
|--------------------------------------------|-----------------|
| Annual Income                              | Rs. 3,80,082/-  |
| Less : 1/3 <sup>rd</sup> Personal Expenses | Rs. 1,26,694/-  |
|                                            | <hr/>           |
|                                            | Rs. 2,53,388/-  |
| Multiplier                                 | <hr/>           |
|                                            | X            13 |
|                                            | <hr/>           |
|                                            | Rs.32,94,044/-  |
| Add : 25% Future Prospect                  | <hr/>           |
|                                            | Rs. 8,23,511/-  |
| Add : Medical Expenses                     | <hr/>           |
|                                            | Rs. 41,17,555/- |
|                                            | <hr/>           |
|                                            | Rs.     5,000/- |
|                                            | <hr/>           |
|                                            | Rs.41,22,555/-  |

---

**1 2017(4)TAC 673(S.C)**

<sup>2</sup> (2009) 6 SC 121

|                                           |                        |
|-------------------------------------------|------------------------|
| Add : General Damages                     | Rs. 70,000/-           |
|                                           | <u>Rs. 41,92,555/-</u> |
| Less : Awarded by Tribunal<br>Enhancement | Rs. 34,45,060/-        |
|                                           | <u>Rs. 7,47,495/-</u>  |

7. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 7,47,495/- 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 six weeks from the date of passing of this order .
8. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants in equal proportion as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, Fast Track 1<sup>st</sup> Court, Tamluk, Purba Medinipur in M.A.C. Case No. 60 of 2016 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Court's fees.
9. The instant appeal is disposed of accordingly.
10. The pending applications if any stands disposed of.
11. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

**(Ananya Bandyopadhyay, J.)**

**Srimanta, A.R.(Ct)**