

12.11.2025

Sl. No.: 16

Court No.9

BM

FMA 1145 of 2025

SHYAMALI PAL AND ANR

VS

ORIENTAL INSURANCE CO. LTD. AND ANR

Mr. Amit Ranjan Roy

... for the appellants/claimants

Ms. Sucharita Paul

... for the respondents/Insurance Co.

1. Learned Advocates for the parties are present.
2. By consent the appeal is taken up for hearing.
3. It is submitted by the Learned Advocate for the appellants that only point involved in this appeal is the calculation of the quantum of compensation by the learned trial court.
4. Learned Advocate for the appellant draws attention to the Judgement of the learned Trial Court wherein the learned Trial Court has calculated total gross annual income with regard to future prospect by using the multiplier eighteen but has not arrived at the correct figure.
5. Upon hearing the learned advocates and considering the calculation made by the learned Trial Court, it appears that the future prospect amount should come to Rs.8,48,916/- and not Rs.94,324. In the event, the compensation on account of future prospect comes to Rs.8,48,916/-, total compensation comes to

Rs.30,41,206/- after adding general damages of Rs.70,000/-.

6. Learned Advocate for the respondent/Insurance Company submits that Rs.22,86,614/- which was awarded by the Learned Trial Court along with interest has been paid to the appellants/claimants and if the present calculation is to be accepted Rs.7,54,592/- is due and payable. Thus, this appeal stands disposed. The order passed by the learned Additional District Judge, 3rd Court, Purba Bardhaman in MAC Case No.25A of 2016 stands modified to the extent that the total compensation which the claimants/appellants would be entitled is Rs.30,41,206/-. As Rs.22,86,614/- has already been paid along with interest, the respondent/Insurance Company shall pay Rs.7,54,592/- along with interest from the date of filing i.e. 3rd September, 2016 till the date of realisation. Such payment shall be deposited before the Registrar General, High Court, Calcutta within a period of six weeks from date.

7. Upon deposit of the said sum the appellants/claimants will be entitled to withdraw the sum upon furnishing necessary proof before the Learned Registrar General, High Court, Calcutta.

8. FMA 1145 of 2025 stands disposed of.

9. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Biswaroop Chowdhury, J.)