

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 465 of 2024

**Manashri Chakraborty & Anr.
Versus
Bajaj Allianz General Insurance Company Ltd. & Anr.**

For the Appellant : Mr. Jayanta Kumar Mondal
Mr. Sayantan Rakshit.

For the Respondent No.1/
Insurance co. : Ms. Sucharita Paul.

Heard & Judgment on : 28th 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 10th October, 2023 passed by the learned Judge, Motor Accident Claims Tribunal, Additional District Judge & Sessions Judge, Fast Track Court, Suri, Birbhum in M.A.C. Case No. 232 of 2020.
3. The Learned Advocates representing the both the parties submitted that the impugned judgment and order passed in

M.A.C. Case No. 232 of 2020 had been pronounced erroneously considering the ground of multiplier to be 9 instead of 11 with regard to the age of the victim to be 51 years 10 months at the time of the accident. More-over, the excess sum of Rs. 40,000/- was awarded individually to the wife and son of the deceased victim instead of consolidated sum of Rs. 40,000 as loss of consortium towards both the claimants.

4. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues have not been disputed by the learned advocate representing the respondent No.1/insurance company, this Court restricts itself only to the extent of issues agitated by the learned Advocates representing the respective parties.
5. 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. 5,85,200/- is modified as follows:

Monthly Income	Rs. 6000/-
Future Prospect to be added(10%)	Rs. 600/-
1/3 rd Deduction	Rs. 6,600/-
Personal Expenses	Rs. 2,200/-
	Rs. 4,400/-
	X 11
Multiplier to be "11"	Rs. 48,400/-

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

² (2009) 6 SC 121

Annual Income	Rs. 48,400/- X 12
General Damages	Rs. 5,80,800/- Rs. 77,000/-
Less Award	Rs. 6,57,800/- Rs. 5,85,200/-
Entitlement	Rs. 72,600/-

6. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 5,85,200/-. The appellants/claimants are entitled to a sum of Rs. 72,600/- along with interest at the rate of 6% per annum to be paid from the date of filing of the claim application i.e. 29.09.2020 till the date of its actual realization.
7. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 72,600/- along with interest as aforesaid 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 as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, Additional District Judge & Sessions Judge, Fast Track Court, Suri, Birbhum in M.A.C. Case No. 232 of 2020 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.)

c.m. Ar. Ct.