

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 925 of 2025

**Kabita Das & Ors.
Versus**

The New India Assurance Company Ltd. & Anr.

For the Appellants : Mr. Amit Ranjan Roy

For the Respondent No.1/
Insurance co. : Mr. Sanjay Paul

Heard on & Judgment on : 3rd July, 2025.

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present in Court.
2. The instant appeal had been filed against the judgment and award dated 4th October, 2024 passed by the learned Judge, Motor Accident Claims Tribunal, First Fast Track Court, Tamluk, Purba Medinipur in M.A.C. Case No. 372 of 2021.
3. An application under Section 166 of the Motor Vehicles Act had been filed by the claimants on account of the death of the victim in an accident which occurred on 05.06.2021 at about 9.30 p.m. near Manjushree more on Halida Mecheda Road within the

jurisdiction of Durgachak police station in the district of Purba Medinipur with the involvement of the offending vehicle being a Mahindra Bolero Ambulance bearing registration No. WB-29B/6677 which proceeding at an exceeding speed rashly and negligently hit the victim who sustained severe injuries and was transmitted to the local Durgachak SD hospital where he succumbed to his injuries on the same date.

4. Learned Advocate representing the appellants/claimants submitted that the learned tribunal in granting the compensation through the impugned judgment and order did not consider the element of 'future prospect'.
5. The learned Advocate representing the respondent No.1/Insurance Company submitted that the learned tribunal considering the oral and documentary evidence had correctly assessed as compensation amount which should not be interfered with.
6. Since, the occurrence of the accident, involvement of the offending vehicle, driving licence, route permit and insurance policy etc. 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 respective parties. The Learned Tribunal delivering the impugned

judgment and order on 2nd September, 2024 should have considered the principles as laid down in National insurance company Ltd. Vs. Pranay Shetty & Anr. and accordingly should have granted the component of future prospect along with other categories to be considered for assessment of the awarded sum.

7. 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. 8,87,000/- is modified as follows:

Monthly Income	Rs. 6000/-
Annual income	x 12
	Rs. 72,000/-
Future Prospect to be added(40%)	Rs. 28,800/-
	Rs. 1,00,800/-
1/4 th Deduction towards personal expenses	Rs. 25,200/-
	Rs. 75,600/-
Multiplier to be "15"	X 15
	Rs. 11,34,000/-
General Damages	Rs. 77,000/-
Less	Rs. 12,11,000/-
	Rs. 8,87,000/-
Entitlement	Rs. 3,24,000/-

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 8,87,000/- along with interest from the date of filing of the application under Section 166 of the Motor Vehicles Act till the date of realization. The appellants/claimants are entitled to a sum of Rs. 3,24,000/-

along with interest at the rate of 6% per annum to be paid from the date of filing of the claim application i.e. 22.07.2021 till the date of realization. In view of the observation of the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors.**³ the appellants/claimants are to provide the details of Bank Accounts held in the name of the appellants/claimants at the office of the learned Registrar General, High Court at Calcutta for disbursement of the compensation amount.

9. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 3,24,000/- along with interest as aforesaid before the office of the learned Registrar General High Court at Calcutta within 12 weeks from the date of passing of this order.
10. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and, thereafter, disburse the same directly to the bank accounts of the present appellants/claimants as mentioned in the impugned judgment and order passed by the learned Judge, Motor Accident Claims Tribunal, First Fast Track Court, Tamluk, Purba Medinipur in M.A.C. Case No. 372 of 2021 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees within four weeks.
11. The instant appeal is disposed of accordingly.

² (2009) 6 SC 121

12. The pending applications, if any, stands disposed of.
13. 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.