

In The High Court At Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:-

The Hon'ble Justice Ananya Bandyopadhyay

FMA 2554 of 2014
Reliance General Insurance Co. Ltd.
v.
Bhagyasree Mondal (Chakraborty) & Ors.

With

COT 12 of 2025
Bhagyasree Mondal (Chakraborty) & Ors.
vs.
Reliance General Insurance Co. Ltd. & Anr.

Ms. Gopa Das Mukherjee ... for the appellant/insurance company.

Mr. Amit Ranjan Roy ... for the respondents/claimants.

Heard on & Judgment on: 8th August, 2025.

Ananya Bandyopadhyay, J:-

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been preferred against the impugned judgment and award dated 20th June, 2014 passed by the Learned Motor Accident Claims Tribunal, cum Additional District Judge, 5th Court, Krishnagar, Nadia in MAC Case No.81 of 2012.
3. The Learned Advocate representing the appellant/insurance company submitted to have filed the instant appeal exclusively on

the ground that the Learned Tribunal in assessing the compensation amount considered the monthly income of the victim to be Rs. 19440/-. Based on the document marked as Ext. 10 which should be calculated in terms of the Income Tax. Moreover, the general damages granted in favour of the claimants were in accordance with the principles laid down in the decision of the Hon'ble Supreme Court in National insurance company Ltd. Vs. Pranay Shetty & Anr.

4. The Learned Advocate representing the respondents/claimants submitted that the Learned Tribunal taking into account the relevant aspects as granted the compensation amount which should not be interfered with.
5. Considered the rival contentions of the Learned Advocates representing the respective parties.
6. 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 consider the point agitated by both the parties. The documents marked as Ext. 9 and Ext. 10 delineating the basic pay last drawn by the victim to be Rs. 17,950/- the Learned Tribunal considered the sum of Rs. 19,400/- to have been drawn by the victim as the last basic pay which had been incorrect. Since in column 4A of the document marked as Ext. 10 it had been delineated that the last

basic pay drawn was Rs. 17950/- and the last gross paid on Rs. 19400/- up to January, 2012. However, in Column 3A the last basic pay drawn was mentioned as Rs. 17,950/- and the last gross paid drawn was mentioned as Rs. 27,226/- for the December 2011 a conjoint reading of the aforesaid columns being 3A and B as well as 4A and B the basic pay had been constrained with the gross paid drawn to have been variable. The Learned Tribunal had opined that the annual income of the victim was not taxable. Therefore, the Income Tax Return filed by the victim was not necessary if at all filed by him. The compensation to be assessed should have been on the basis of the last pay drawn i.e. 17950/-. The Learned Advocate representing the appellant/insurance company submitted that the claimants have already received 50% of the awarded sum from the office of the Learned Registrar General, High Court at Calcutta.

7. The judgment and order passed by the learned Tribunal required to be modified to the following extent:

Monthly Income	Rs. 17,950/-
Annual Income (Rs. 17950 x12)	Rs. 2,15,400/-
Future Prospect to be added(40%)	Rs. 1,07,700/-
Personal expenses (1/3 rd)	Rs. 3,23,100/-
	Rs. 1,07,700/-
	Rs. 2,15,400/-
Multiplier to be "16"	x 16
Entitlement	Rs. 34,46,400/-

8. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs.33,89,029/- (Rs. 25,000/- + Rs. 33,64,029/-) through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company. The Learned Advocate representing the appellant/insurance company is to further deposit the remaining balance amount i.e. Rs. 57,371/- along with interest at the rate of 6% from the date of filing of the claim application till the date of its realization before the office of the Learned Registrar General, High Court at Calcutta as expeditiously as possible.
9. The Respondent Nos. 1 and 2/claimants are entitled to receive the aforesaid balance amount along with enhanced amount as the interest as aforesaid.
10. The office of the Learned Registrar General High Court at Calcutta, shall encash the cheques and, thereafter, disburse the entire awarded amount so deposited with accrued interest directly to the bank accounts of the present respondent Nos. 1 and 2/claimants in equal proportion, as mentioned in the impugned judgment passed by the Learned Motor Accident Claims Tribunal, cum Additional District Judge, 5th Court, Krishnagar, Nadia in MAC Case No.81 of 2012 on proof of proper identification of the respondent No.1 and 2/claimants subject to payment of ad valorem Court fees. The office of the Learned Registrar General, High Court

at Calcutta will instruct the claimants to provide details of their bank accounts with relevant documentary proof, prior to such disbursal as aforesaid.

11. The instant appeal and the cross objection are disposed of.
12. The TCR be sent down to the concerned Tribunal forthwith.
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.