

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 571 of 2025

**Moumita Manna Samanta & Ors.
Versus
Shriram General Insurance Company Limited & Anr.**

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

For the Respondents/Insurance
Company : Mr. Rajesh Singh.

Heard & Judgment on : 8th August, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellants/claimants and the respondents/Insurance Company are present in Court.
2. The instant appeal had been filed against the judgment and award dated 30.08.2024 passed by the Learned Judge, Motor Accident Claims Tribunal, 2nd Court, Tamluk, Purba Medinipur in M.A.C. Case No. 340 of 2019.

3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal did not grant 25% of the annual income towards future prospect. In his utter fairness the Learned Advocate representing the appellants/claimants submitted the Tribunal should have deducted a sum of Rs.40,061/- from the gross total income of Rs.5,82,892/- to assess the actual annual income of the victim after the deduction towards tax component. It was further submitted that an excess sum of Rs.1,40,000/- was granted towards general damages.
4. The Learned Advocate representing the respondents/Insurance Company did not contradict the contentions of the Learned Advocate representing the appellants/claimants.
5. Since the occurrence of the accident, involvement of the offending vehicle, the driving license, Insurance certificate etc. are not disputed by the Learned advocate representing the respondents/insurance company, this Court restricts itself only to the extent of rectifying the above-mentioned issues.
6. Considered the rival contentions of the learned Advocates representing the respective parties.
7. The documents marked as exhibit-P/3/1 denoted the yearly income of the victim to be Rs.5,82,892/- wherefrom after a deduction of Rs.40,061/- the total income comes to Rs.5,42,830/-

. The Learned Tribunal had granted a composite sum of Rs.10,00,000/- towards future prospect without applying the 'multiplier method'. The general damages was awarded to the extent of Rs.1,40,000/- which was over and above Rs.70,000/-. The document marked as exhibit-P/3 and exhibit-P/3/1 mentioned the gross annual income of the victim for the assessment year 2018-2019 to be Rs.5,82,892/- with a deduction of Rs.29,722/- towards Income-tax.

8. 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. 72,60,450/- is modified as follows:

Gross Annual Income	Rs. 5,82,892/-
Less : Tax	Rs. 29,722/-
Net Annual Income	Rs. 5,53,170/-
Less : 1/4 th for Personal Expenses	Rs. 1,38,292/-
	Rs 4,14,878/-
Add : Future Prospect (25%)	Rs. 1,03,719/-
	Rs. 5,18,597/-
Multiplier to be "14"	X 14
	Rs. 72,60,358
Add : General Damages	Rs. 70,000/-
	Rs. 73,30,358/-
Less: Already received in terms of Tribunal's	Rs.72,60,450/-

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

² (2009) 6 SC 121

award	
Enhancement	Rs. 69,908/-

9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs.72,60,450/-. The appellants/claimants are entitled to receive the balance sum of Rs.69,908/- along with 6% interest per annum to be paid from the date of filing of the claim application till the date of its actual 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 disbursal of the compensation amount.
10. The Learned Advocate representing the respondents/Insurance Company is to deposit the balance sum of Rs.69,908/- along with at the rate of 6% interest per annum from the date of filing of the claim application before the office of the Learned Registrar General, High Court, Calcutta within two months from the date of passing of this order.
11. The Office of the Learned Registrar General, High Court at Calcutta, shall encash the cheques and thereafter disburse the same directly to the Bank accounts of the appellants/claimants in

³ 2025 1 NSC 361

equal proportion as mentioned in the impugned judgment of the Learned Judge, Motor Accident Claims Tribunal, 2nd Court, Tamluk, Purba Medinipur in M.A.C. Case No. 340 of 2019 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court fees.

12. The instant appeal is disposed of accordingly.
13. The pending applications, if any, stands disposed of.
14. 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.)