

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 180 of 2021

Debabrata Bhunia

Versus

National Insurance Co. Ltd & Anr.

For the appellant. : Mr. Ashique Mondal

For the respondent nos. 1/
Insurance Co. : Ms. Sucharita Paul

Heard & Judgment on : 11th April, 2025

Ananya Bandyopadhyay, J:s

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been filed against the judgment and award dated 17th December, 2016 passed by the learned Judge, Motor Accident Claims Tribunal, FTC-1st Court, Contai in M.A.C. Case No. 03 of 2014.
3. The Learned Advocate representing the appellant/claimant submitted that the learned Tribunal did not consider the document marked as Ext.2 which had been the opinion of the

Medical Board of the Government Hospital, Contai, West Bengal which stated the possibility to have been suffered by the victim was to the extent of 40%.

4. The Learned Advocate representing the respondent No.1/insurance company opposed the submission of the Learned Advocate representing the appellant/claimant.
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.
7. Considering the observations of the Hon'ble Apex Court in National insurance company Ltd. Vs. Prannay Shetty & Anr.¹ and Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr.²The impugned award of Rs. 58,060/- is modified as follows:

Monthly Income	Rs. 4000/-
Annual Income (Rs. 4000 x 12)	Rs. 48,000/-
Future Prospect to be added(40%)	Rs. 19,200/-
	Rs. 67,200/-
Multiplier to be "15"	X 15
	Rs.10,08,000/-

¹ 2017(4) TAC 673 (S.C.)

² (2009) 6SC 121

	Rs. 10,08,000
	Rs. 4,03,200/-
Disability (40%)	Rs. 45,060/-
Medical Expenses	
	Rs. 4,48,260/-
General Damages	Rs. 10,000/-
	Rs. 4,58,260/-
Less Award	Rs. 58,060/-
Entitlement	Rs. 4,00,200/-

8. The Learned Advocate for the appellant/claimant submitted that the appellant/claimant has withdrawn a sum of Rs. 58,060/-. The appellant/claimant is entitled to a sum of Rs. 4,00,200/- along with interest at the rate of 6% per annum to be paid from the date of filing of the application till the date of its actual realization.
9. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 4,00,200/- 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 .
10. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disbursed the same to the present appellant/claimant in equal proportion as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, FTC-1st Court, Contai in M.A.C. Case No. 03 of 2014 on

proof of proper identification of the appellant/claimant subject to payment of ad valorem Court's fees.

11. The instant appeal is disposed of accordingly.
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.

c.m.Ar. ct

(Ananya Bandyopadhyay, J.)