

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 11 of 2022

Anjali Deb & Ors.

Versus

**Cholamondalam M/s. General Insurance Company Ltd. &
Anr.**

For the Appellants : Mr. Subir Banerjee
Mr. Sandip Bandyopadhyay
Ms. R. Basu Roy

For the Respondent No.1/
Insurance co. : Debanjan Mukherjee

Heard on & Judgment on : 7th August, 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 20th April, 2021 passed by the Learned Judge, Motor Accident Claims Tribunal, 1st Fast Track Court, Uttar Dinajpur at Raiganj in M.A.C. Case No. 47 of 2015.
3. Learned advocate representing the appellant/claimant submitted to have filed the instant appeal on the ground that the Learned

Tribunal did not consider the annual income of the victim on the basis of the document marked as Exhibit -5 being the Income Tax Return filed for the Assessment Year 2008-2009.

4. Learned Advocate representing the respondent/Insurance Company submitted the victim had expired on 13th February, 2015 being injured in the accident and died on the same day. However, the Income Tax Return was filed pertaining to the year 2008-2009 being merely 6 years prior to the death of the victim. It was further submitted that the Learned Tribunal had rightly computed the compensation awarded.
5. Heard the submission of the Learned Advocates representing both the parties.
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.
7. The document marked as Exhibit-5 was placed before the Learned Tribunal by the claimant. Any person from the concerned department did not appear before the Court to verify the authenticity of the same. The Learned Tribunal had reasonably

considered the monthly income of the victim to be 5,000/- with regard to the fiscal index prevalent at the point of time.

8. Considering the observations of the Hon'ble Apex Court in National insurance company Ltd. Vs. Pranay Shetty & Anr. and Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr. The impugned award of Rs. 1,44,000/- is modified as follows:

Annual Income	Rs. 60,000/-
Future Prospect to be added(25%)	Rs. 15,000/-
	Rs. 75,000/-
1/3rd Personal Expenses	Rs. 25,000/-
Multiplier to be "13"	Rs. 50,000/-
General Damages	X 13
Less	Rs. 6,50,000/--
Entitlement	Rs. 84,000/-
	Rs. 7,34,000/-
	Rs. 5,90,000/-
Total amount payable	Rs. 1,44,000/-

9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 5,90,000/- The appellants/claimants are entitled to a sum of Rs. 1,44,000/- along with interest at the rate of 6%per annum to be paid from the date of filing of the claim application i.e. 23.07.2021 till the date of realization.
10. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,44,000/- along with interest as aforesaid before the office of the learned Registrar

General High Court at Calcutta within four months from the date of passing of this order.

11. In view of the observation of the Hon'ble Supreme Court in Parminder Singh Vs. Honey Goyal & Ors. 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.
12. 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 impugned judgment and award passed by the Learned Judge, Motor Accident Claims Tribunal, 1st Fast Track Court, Uttar Dinajpur at Raiganj in M.A.C. Case No. 47 of 2015 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
13. The instant appeal is disposed of accordingly.
14. The pending applications, if any, stands disposed of.
15. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)