

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

F.M.A.T (MV) 337 of 2023

with

CAN 1 of 2024

Priya Maddi & Ors.

-Vs-

The New India Assurance Co. Ltd. & Anr.

For the Appellants : Mr. Amit Ranjan Roy

For the Respondents/
Insurance Company : Ms. Sucharita Paul

Heard and Judgment on : 07.05.2025

Ananya Bandyopadhyay, J.:-

1. The instant appeal was heard earlier and judgment was reserved.
However, the matter was listed under the heading **“For Hearing”** for further clarification.
2. The Learned Advocates representing the respective parties are present.
3. Seven claimants filed an application under Section 166 of the M.V. Act in the Court of Motor Accident Claims Tribunal, Additional District & Sessions Judge, 2nd Court, Asansol, Paschim Bardhaman being MAC Case No. 11 of 2016 (112 of 2014), claiming an award of Rs. 55,00,000/- whereby the aforesaid deceased expired due to a road traffic accident on 03.02.2014 at about 10:00 am. The offending vehicle, an ambassador bearing Registration No. WB-02/E-0406 hit the aforesaid deceased in a rash and negligent manner while the deceased was riding on his

motorcycle. Consequently, the victim was transferred Central Hospital, Kalla and passed away on 11.02.2014. Subsequently, based on a complaint, Jamuria P.S. Case No. 106/14 dated 13.03.2014 was instituted against the driver of the offending vehicle as aforesaid.

4. The owner of the offending vehicle did not appear in this case but did not contest this case and the case was heard ex parte owner of the vehicle.
5. The respondent, The New India Assurance Co. Ltd. contested the aforesaid MAC case.
6. The Learned Tribunal as aforesaid disposed of the issues framed considering the oral as well as documentary evidences and awarded a sum of Rs. 18,62,600/- as well as an interest of 6% from the date of filing the case payable by the insurance company with the liberty to recover from the respondent.
7. The Learned Advocate representing the Appellants/claimants submitted that the appellants/claimants are entitled to receive future prospect to the extent of 15%, which was not granted. It was erroneously considered that the appellants/claimants received the benefit of compassionate appointment.
8. The Learned Advocate representing the respondent no.1/insurance company submitted that the learned Tribunal had rightly computed the compensation amount, which should not be interfered with.
9. Heard the submissions of the learned advocates representing the respective parties.
10. 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 the extent as agitated by the Learned Advocates representing the both the parties. The compassionate appointment received by one of the appellants/claimants does not preclude the same to be disentitled to the compensation awarded under the provisions of the Motor Vehicles Act.

11. In view of the above observation of the Hon'ble Supreme Court in the decisions cited in **National Insurance Company Ltd. Vs. Pranay Shetty & Anr.**¹ and **Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr**² the impugned award is modified as follows: -

Annual Income	Rs.2,49,900/-
Add 15% Future Prospect	Rs. 37,485/-
Annual Income + Future Prospect Multiplier	Rs. 2,87,385/- X 11
Total Annual Income	Rs.31,61,235/-
Deduction towards Personal Expenses	- Rs.7,90,308/-
Add General Damages	Rs.23,70,927/- + Rs.77,000/-
Less award already received	Rs. 24,47,927/- - Rs.18,62,600/-
Entitlement	Rs.5,85,327/-

12. The appellants/claimants are entitled to a sum of Rs. 5,85,327/- along with 6% interest per annum to be paid from the date of filing of the

¹ 2017(4)TAC 673(S.C)

² (2009) 6 SC 121

application under Section 166 of the Motor Vehicles Act till the date of its realization.

13. The learned advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs.5,85,327/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within four weeks from the date of passing of this order.
14. 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 award passed by the Motor Accident Claims Tribunal, Additional District & Sessions Judge, 2nd Court, Asansol, Paschim Bardhaman being MAC Case No. 11 of 2016 (112 of 2014) on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees within four weeks.
15. The instant appeal is disposed of accordingly.
16. The Trial Court Records shall be sent down to the concerned tribunal forthwith.
17. Copy of the order be sent to the Department as well as concerned tribunal for information.

(Ananya Bandyopadhyay, J.)

S.R. (A.R.C.)