

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1079 of 2025

**Manju Rani Bhunia & Anr.
Versus
Go Digit General Insurance Company Limited & Anr.**

For the Appellants/claimants : Mr. Jayanta Kumar Mandal.

For the Respondents/Insurance Company : Mr. Soumalya Ganguli.

Heard & Judgment on : 7th 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 04.03.2025 passed by the Learned Additional District and Sessions Judge, Motor Accident Claims Tribunal, 6th Court, Paschim Medinipur in M.A.C. Case No. 57 of 2023.

3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal had erred in not granting the component of future prospect to the extent of 40% considering the age of the victim to be 23 years 7 months. Moreover, there had been a typographical error in the impugned Judgment and order whereby following the principles enumerated in the decision of the Supreme Court in National insurance company Ltd. Vs. Pranay Shetty & Anr. an enhancement of 10% every three years had been granted on a sum of Rs.70,000/- instead of a sum of Rs.30,000/- since the deceased victim had been a bachelor.
4. The Learned Advocate representing the respondents/Insurance Company controverted the submission of the Learned Advocates representing the appellants/claimants further emphasizing the Learned Tribunal taken into consideration each and every aspect had justifiably passed the compensation awarded.
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. Perused the documents on record as well as the impugned Judgment and order passed by the Learned Tribunal as aforesaid which revealed 40% of the annual income of the victim should have been granted towards the component of future prospect. Moreover, since the victim had been a bachelor the enhancement to the extent of 10% following the principle laid down in the decision of the Hon'ble Apex Court in National insurance company Ltd. Vs. Pranay Shetty & Anr. with regard to the Rs.70,000/- instead of Rs.30,000/- had been erroneous since the victim had been a bachelor.
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. 10,09,000/- is modified as follows:

Annual Income	Rs. 1,08,000/-
Add : Future Prospect (40%)	Rs. 43,200/-
Less: 50% Personal Expenses	Rs. 1,51,200/-
	Rs. 75,600/-
Multiplier to be "18"	Rs. 75,600/-
	X 18
Add : General Damages	Rs. 13,60,800/-
[15,000+15,000=30,000+10%]	Rs. 33,000/-
Less: Already received in terms of Tribunal's award	Rs. 13,93,800/-
	Rs.10,09, 000/-

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

² (2009) 6 SC 121

Enhancement	Rs. 3,84,800/-
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9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs.10,09,000/-. The appellants/claimants are entitled to receive the balance sum of Rs.3,84,800/- 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 respondent/Insurance Company is to deposit the balance sum of Rs.3,84,800/- 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 District & Sessions Judge, Motor Accident Claims Tribunal, 6th Court, Paschim Medinipur in M.A.C. Case No. 57 of 2023 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.)