

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

F.M.A.T.(M.V.) 313 of 2022

Saraswati Hansda & Ors.

-Vs-

Bajaj Allianz General Insurance Company Limited & Anr.

For the Appellant/Claimant : Mr. Amit Ranjan Roy.

For the Respondents/
Insurance Company : Mr. Indradip Das.

Heard & Judgment on : 15.05.2025.

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. The instant appeal had been filed against the judgment and award dated 30.11.2021 passed by the learned Additional District Judge, Motor Accident Claims Tribunal, R.D. Court, Paschim Medinipur in M.A.C. Case No. 198 of 2015.
4. Five claimants of the deceased victim filed an application under Section 166 of the Motor Vehicles Act in the Court of Motor Accident Claims Tribunal, Additional District & Sessions Judge, R.D. Court, Paschim Medinipur being MAC Case No. 198/2015 claiming an award of

Rs.6,00,000/- whereby the victim expired due to a road traffic accident on 01.08.2011 at about 4:40 p.m. The offending vehicle being a bus bearing registration no. WB-33/5034 hit the aforesaid deceased in a rash and negligent manner while he was travelling by a bike. He was taken to Jhargram SD Hospital where without admission he was taken to SSKM Hospital, Kolkata on 02.08.2011 and passed away on 04.08.2011.

5. The owner of the offending vehicle filed his written statement but later did not contest the case and the case proceeded ex parte against him.
6. Bajaj Allianz General Insurance Company Limited contested the aforesaid MAC Case.
7. The learned Tribunal as aforesaid disposed of the issues framed considering the oral as well as documentary evidence and dismissed the claim.
8. The learned Advocate representing the appellants/claimants submitted as follows:-
 - (a) The learned Tribunal dismissed the claim application after considering the Section 166(3) of the Motor Vehicles Act, 1988 which duly omitted the issue of limitation with effect from 14.11.1994.
 - (b) On and from the date of amendment, i.e., 14.11.1994 there was no bar of limitation in filing claim application and the accident occurred on 01.08.2011.
9. Heard the submission of the learned Advocates representing the respective parties.

10. 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. And Sarla Verma & Ors. –Vs.- Delhi Transport Corporation & Anr. the compensation awarded to the victim is under the following heads:-

11.

Monthly Income	Rs. 4,000/-
Annual Income	Rs. 48,000/-
1/4 th Deduction	Rs. 12,000/-
Add : Future Prospect (10%)	Rs. 36,000/-
	Rs. 3,600/-
	Rs. 39,600/-
Multiplier '11'	X 11
	Rs.4,35,600/-
General Damages	Rs. 84,000/-
(Rs.70,000/-+20%)	Rs. 5,19,600/-

12. The appellants/claimants are entitled to a sum of Rs. 5,19,600/- along with 6% interest per annum to be paid from the date of filing of the application till the date of its actual realization.

13. The Learned Advocate for the respondent No.1/insurance company is to deposit the sum of Rs. 5,19,600/- along with 6 % per cent interest per

annum from the date of filing of the claim application before the office of the learned Registrar General, High Court Calcutta within six 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 appellants/claimants as mentioned in the award passed by the learned Additional District Judge, Motor Accident Claims Tribunal, R.D.Court, Paschim Medinipur in M.A.C. Case No. 198 of 2015 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court's fees.
15. The instant appeal is disposed of accordingly.
16. The pending applications, if any, stands disposed of.
17. 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.)