

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 862 of 2024

Basanti Dutta & Ors.

Versus

National Insurance Co. Ltd. & Anr.

For the Appellant	:	Mr. Krishanu Banik
For the Respondent No.1	:	Mr. Rajesh Singh
Heard & Judgment on	:	14 th August, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellants/claimants as well as respondent No.1/insurance company are present in Court.
2. The instant appeal had been filed against the judgment and award dated 19th January, 2024 passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, 3rd Court, Paschim Medinipur in M.A.C. Case No. 413 of 2017.
3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal granted interest @ 4% from the date of filing of the application under Section 166 of the M.V. Act and the sum of Rs.70,000/- had been granted towards the general damages instead of Rs.84000/- in view of the reported judgments of the Hon'ble Supreme Court as prescribed in the decision of National Insurance Company Ltd. Vs. Pranay Shetty & Anr.

4. Learned Advocate for the respondent No.1/insurance company conceded to the same.
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. The impugned judgment and order is modified to the flowing extent. The general damages should have been awarded Rs. 84,000/-. The Learned Tribunal had been granted the right to recover the compensation award from the owner of the offending vehicle after payment of the same to the appellants/claimants. This Court is not inclined to interfere with the other observations of the Learned Tribunal and the same remain unaltered apart from the above calculation.
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. 9,10,000/- is modified as follows:

Monthly Income	Rs. 90,000/-
Future Prospect to be added(40%)	
Personal Expenses (1/3)	Rs. 30,000/-
	Rs. 60,000/-
Multiplier to be "14"	X 14
	Rs. 8,40,000/-

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

² (2009) 6 SC 121

General Damages	Rs. 8,40,000/- Rs. 84,000/-
Less Award	Rs. 9,24,000/ Rs. 9,10,000/-
Entitlement	Rs. 14,000/-

9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 9,10,000/- The appellants/claimants are entitled to a sum of Rs. 14,000/- along with interest at the rate of 6% per annum to be paid from the date of filing of the claim application till the date of its realization. The appellants/claimants are also entitled to an interest at the rate of 2% per annum on the tribunal award i.e. Rs.9,10,000/- from the date of filing of claim application till the date of its realization.
- 10.The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 14,000/- along with interest as aforesaid before the office of the learned Registrar General High Court at Calcutta within six weeks 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.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.
- 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

³ 2025 INSC 361

passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, 3rd Court, Paschim Medinipur in M.A.C. Case No. 413 of 2017 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.)

c.m. A.R.