

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1071 of 2022

**Gangapada Bag & Ors.
Versus
The National Insurance Company Limited & Anr.**

For the Appellant : Mr. Jayanta Kumar Mandal
Mr. Sayantan Rakshit

For the Respondent nos.1. : Mr. Deb Narayan Roy

Heard & Judgment on : 10th 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 13th April, 2022 passed by the Learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, F.T.C., 2nd Court at Paschim Medinipur in M.A.C. Case No.456 of 2014 under Section 166 of the Motor Vehicles Act.

3. The learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the point that the Learned Tribunal did not grant any compensation towards future prospect. It was further submitted that the Learned Tribunal had granted a lower rate of interest to the extent of 4%.
4. The Learned Advocate representing the respondents/Insurance Company confronted the submissions as aforesaid.
5. Considered the rival contentions of the respective parties.
6. Since the occurrence of the accident, insurance policy, the driving licence, route permit etc and other ancillary issues are not disputed by the Learned Advocate representing the appellants/claimants, this Court restrict itself only to the extent of determine the above-mentioned issues.
7. Considering the submissions of the Learned Advocates representing the respective parties and the perusal of the impugned judgment and order dated 13th April, 2022 passed by the Learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, F.T.C., 2nd Court at Paschim Medinipur in M.A.C. Case No.456 of 2014 under Section 166 of the Motor Vehicles Act, it appeared that the Learned Tribunal had not granted any compensation towards the element of future prospect which should have been to the extent of 30%

considering the age of the victim to be 47 on the date of the accident.

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. 4,98,000/- is modified as follows:

Annual Income (Rs. 4,000 x 12)	Rs. 48,000/-
Future Prospect to be added(25%)	Rs. 12,000/-
Less 1/4 th	Rs. 60,000/-
	Rs. 15,000/-
	Rs. 45,000/-
Multiplier to be "13"	X 13
	Rs. 5,85,000/-
General Damages	Rs. 30,000/-
	Rs. 6,15,000/-
Less Award	Rs. 4,98,000/-
Entitlement	Rs. 1,17,000/-

9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 4,98,000/- The appellants/claimants are entitled to a sum of Rs. 1,17,000/- 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 interest at the rate of 2% per annum on the Tribunal award i.e. Rs. 4,98,000/-

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

² (2009) 6 SC 121

from the date of filing of claim application till the date of its payment.

10. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,17,000/- along with interest as aforesaid and also deposit the balance 2% interest of the tribunal award as aforesaid before the office of the learned Registrar General High Court at Calcutta within two 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.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 disbursement of the compensation amount.
12. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and, thereafter, disburse the entire awarded amount so deposited with accrued interest directly to the bank accounts of the present appellants/claimants as mentioned in the impugned judgment and award passed by Learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, F.T.C., 2nd Court at Paschim Medinipur in M.A.C. Case No.456 of 2014 under Section 166 of the Motor Vehicles Act on proof of

³ 2025 INSC 361

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.)