

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 165 of 2025

Manjura Bibi & Ors.

Versus

The United India Insurance Co. Ltd & Anr.

For the appellants/claimants. : Mr. Amit Ranjan Roy

For the respondent nos. 1 : Mr. Sanjay Paul
Ms. Jaita Ghosh

Heard & Judgment on : 5th February, 2025

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal had been filed against the judgment and award dated 31st March, 2014 passed by the learned Judge, Motor Accident Claims Tribunal and Additional District Judge, 5th Court, Nadia in M.A.C. Case No. 27 of 2012.
3. An application under Section 166 of the Motor Vehicles Act, 1988 had been filed by the claimants claiming for compensation on account of an accident which occurred on 3rd November, 2011 at about 4.00 p.m. with the involvement of the offending vehicle being truck bearing registration No. 41B/7864 which proceeding at an exceeding speed rashly and negligently hit the victim who died on the spot.
4. The Learned Advocate representing the appellants/claimants submitted that the Learned Tribunal erroneously granted a sum of

Rs. 15000 towards general damages in place of 77,000/-. The element of future prospect was not granted and the rate of interest was not calculated from the date of filing of the claim application till the date of its actual realization. The default rate of interest to the extent of 10 per cent was granted.

5. The Learned Advocate representing the respondent No.1/insurance company, in his utmost humility, has acceded to the submission made on behalf of the learned advocate representing the appellants/claimants.
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 respondent No.1/insurance company, this Court restricts itself only to the extent of rectifying the impugned judgment and order to the extent of amounting future prospect at the rate of 25 per cent of the annual income of the victim, the general damages Rs. 70,000/- along with 10 % interest enhancing thereby and the interest to be calculated at the rate of 6% from the date of filing of the claim application till the date of its actual realization. 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. 6,00,000/- is modified as follows:

Monthly Income	Rs. 5000/-
Annual Income	Rs. 60,000/-
Future Prospect to be added(25%)	Rs. 15,000/-
	Rs. 75,000/-
	Rs. 18,750/-
1/4 th Deduction	Rs. 56,250/-

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

² (2009) 6 SC 121

Multiplier to be “13”	Rs. 56,250/-
	X 13
General Damages	Rs. 7,31,250/-
	Rs. 77,000/-
Less Award	Rs. 8,08,250/-
	Rs. 6,00,000/-
Entitlement	Rs. 2,08,250/-

7. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 6,00,000/-. The appellants/claimants are entitled to a sum of Rs. 2,08,250/-. The appellants/claimants are further entitled to an interest at the rate of 6% per annum on Rs. 6,00,000/- from the date of filing of the application till the date of its actual realization.
8. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 2,08,250/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order .
9. The office of the Registrar General, High Court, Calcutta is directed to calculate the award passed by this Court today together with interest as aforesaid and shall encash the said cheque and thereafter disburse the same to the present appellants/claimants in equal proportion as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal and Additional District Judge, 5th Court, Nadia in M.A.C. Case No. 27 of 2012 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Court's fees.
10. The instant appeal is disposed of accordingly.
11. The pending applications if any stands disposed of.
12. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

c.m.

(Ananya Bandyopadhyay, J.)

