

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

IA No.:CAN/1/2024

in

FMA 95 of 2024

Kajal Raut & Anr.

Versus

The National Insurance Company Limited & Anr.

For the appellants/claimants : Mr. Amit Ranjan Roy

For the respondents : Ms. Sucharita Paul

Heard & Judgment on : 17th March, 2025

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present.
2. The instant appeal has been filed against the judgment and award dated 27.03.2023 passed by the learned Judge, Motor Accident Claims Tribunal, Jhargram in M.A.C. Case No. 27 of 2019.
3. An application under Section 166 of the Motor Vehicles Act, 1988 had been filed on account of accident which occurred on 20.01.2018 at about 6.00 p.m. near Jamda, Sitala Mandir on Jhargram to Binpur pitch road with the involvement of the offending vehicle being a santro car bearing registration No. WB-02W/4142 which proceeding at an exceeding speed rashly and negligently hit the victim who suffered severe injuries on his head and different parts of his body and was admitted at Jhargram District Hospital wherein he was declared to have expired.

4. The Learned Advocate representing the appellants/claimants submitted that the learned Tribunal did not grant any compensation on account of future prospect and the interest was granted at the rate of 4% per annum which had been inadequate.
5. The learned Advocate representing the respondents/Insurance Company opposed the submission of the learned Advocate representing the appellants/claimants stating that the learned Tribunal was justified in pronouncing the impugned Judgment and Order.
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 respondents/insurance company, this Court restricts itself only to the extent of considering as to whether the appellants/claimants have been entitled to any compensation on account of future prospect as well as enhancement in the rate of interest. The learned Tribunal had erred in not granting compensation towards the account of future prospect as well as the rate of interest which should have been 6% per annum instead of 4% per annum.
7. 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. 5,70,000/- is modified as follows:

Monthly Income	Rs. 5,000/-
Add 40% future prospect	Rs. 2,000/-
	Rs. 7,000/-
Annual Income	X 12
	Rs. 84,000/-

¹ 2017(4)TAC 673(S.C)

² (2009) 6 SC 121

Multiplier '18'	X	18
	Rs.	15,12,000/-
Less 50% for personal expenses	Rs.	7,56,000/-
	Rs.	7,56,000/-
Add : general damages	Rs.	30,000/-
Less: award	Rs.	7,86,000/-
Enhanced compensation	Rs.	5,70,000/-
	Rs.	2,16,000/-

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 5,70,000/- inclusive of the interest at the rate of 4% per annum.
9. The learned Advocate representing the respondents/Insurance Company is to deposit a sum of Rs.2,16,000/- along with 6% interest from the date of filing of the claim application under Section 166 of the Motor Vehicles Act till the date of its realization and also 2% balance interest on the principal award passed by the learned Tribunal from the date of filing till the date of realization at the office of the learned Registrar General, High Court, Calcutta within six weeks from the date of passing of this order .
10. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disbursed the same to the present appellants/claimants in equal proportion as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal, Jhargram in M.A.C. Case No. 27 of 2019 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Court's fees.
11. The instant appeal is disposed of accordingly.
12. The pending applications if any stands disposed of.

13. TCR be returned to the concerned office of the learned Tribunal at the cost of the learned Advocate representing the appellants/claimants within seven days.
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)