

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 128 of 2024

**Jharna Duley @ Jharna Dule & Anr.
Versus
The National Insurance Company Ltd. & Anr.**

For the Appellants : Mr. Jayanta Kumar Mondal
Mr. Sayantan Rakshit

For the Respondent No.1/
Insurance co. : Mr. Sanjay Paul

Heard on & Judgment on : 27th August, 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 2nd March, 2023 passed by the Learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, 1st Court (in-charge) at Paschim Medinipur in M.A.C. Case No. 94 of 2014.
3. Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal being aggrieved by the

judgment of the Learned Tribunal wherein the compensation towards the component of future prospect was not granted and interest at the rate of 4% per annum was inadequate.

4. The Learned Advocate representing the respondent No.1/Insurance Company submitted that the victim being a Bachelor and sum of Rs. 40,000/- towards filial consortium should not have been granted.
5. Since, the occurrence of the accident, involvement of the offending vehicle, driving licence, route permit and insurance policy etc. have not been disputed by the Learned Advocate representing the respondent No.1/insurance company, this Court restricts itself only to the extent of issues agitated by the respective parties.
6. The Learned Tribunal cited the reason that on failure on the part of the claimants to prove this employment of the deceased victim the same were not entitled to future prospect. More-over, since the claimants had been negligent in conducting her claim application. The rate of interest granted at the rate of 4% per annum instead of 6% per annum. In view of the impugned judgment and order passed by the Learned Tribunal is modified to that extent the grant of compensation towards the element of future prospect as well as increasing the interest to 6% per

annum from 4% per annum to be paid from the date of filing of the claim application under Section 166 of the Motor Vehicles Act till the date of its realization. More-over, since the victim expired as a Bachalor the claimants were not entitled to sum of Rs. 40,000/- against filial consortium.

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. 3,59,700/- is modified as follows:

Monthly Income	Rs. 5000/-
Annual income	x 12
	Rs. 60,000/-
Future Prospect to be added(40%)	
	Rs. 24,000/-
	Rs. 84,000/-
Personal Expenses (50%)	Rs. 42,000/-
	Rs. 42,000/-
Multiplier to be "18"	X 18
	Rs. 7,56,000/-
General Damages	Rs. 33,000/-
Less	Rs. 7,89,000/-
Entitlement	Rs. 6,10,000/-
	Rs. 1, 79,000/-

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 6,10,000/- The appellants/claimants are entitled to a sum of Rs. 1,79,000/- along with interest at the rate of 6% per annum to be paid from

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

² (2009) 6 SC 121

the date of filing of the claim application i.e. 25.02.2014 till the date of realization. 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.

9. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 1,79,000/- along with interest before the office of the learned Registrar General High Court at Calcutta within four weeks from the date of passing of this order.
10. The office of the Learned 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 passed by the Learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, 1st Court (in-charge) at Paschim Medinipur in M.A.C. Case No. 94 of 2014 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. The TCR be sent down to the concerned Tribunal forthwith.

³ 2025 INSC 361

14. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

c.m. AR. Ct.