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IN THE HIGH COURT AT CALCUTTA

CIVIL APPELLATE JURISDICTION

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1251 of 2024
National Insurance Co. Ltd.
Vs.
Teresa Hansda & Ors.

For the Appellant/insurance co. : Mr. Deb Narayan Roy

For the respondents/claimants : Mr. Krishanu Banik
Mr. Tathagata Banik

Heard & Judgment on : 21.01.2025

Ananya Bandyopadhyay, J. :-

1. The Learned Advocates for the appellant/insurance company as well as the respondents/claimants are present before the Court.
2. The instant appeal had been filed against judgment and award dated 29th June, 2024 passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, Fast Track Court, Suri, Birbhum in M.A.C. Case No. 213 of 202 under Section 166 of the Motor Vehicles Act.
3. The learned advocates representing the appellant/insurance company submitted that the Learned Tribunal erroneously granted loss of consortium to the extent of Rs. 1,60,000/- in favour of the four claimants which should be Rs. 84,000/-.

4. The Learned Advocate representing the respondents/claimants did not confront the submission of the learned advocate representing the appellant/insurance company.
5. Since the occurrence of the accident, involvement of the offending vehicle, driving licence, route permit, income of the victim have not been disputed by the learned advocate representing the appellant/insurance company. This Court restricts itself only to the extent of rectifying the amount granted by the Learned Tribunal with regard to the loss of consortium to the extent of Rs. 1,60,000/- which should be Rs. 84,000/-.
6. Considering the observation of the Hon'ble Supreme Court reported in National insurance company Ltd. Vs. Pranay Shetty & Anr, the impugned award granted by the Learned Tribunal as Rs. 32,72,590/- is modified as follows:-

Monthly Income	Rs. 16,310/-
	X 12
Annual Income	-----
	Rs. 1,95,720/-
Future Prospect to be added(40%)	
	+ 78,288/-
	Rs. 2,74,008/-
Less: 1/4 th for Personal Expenses	- Rs.68,502/-

	Rs. 2,05,506/-
Multiplier to be "15"	X 15

General Damages	Rs.30,82,590/-
	Rs. 84,000/-
Entitlement	Rs. 31,66,590/-

7. The Learned Advocate representing the Appellant/Insurance Company submits to have deposited the entire awarded amount along with 6 % interest per annum from the date of filing of the claim application i.e. 18.06.2022 as per the challan filed by the learned advocate for the Appellant/Insurance company.
8. The Respondents/claimants are entitled to receive the balance amount of Rs. 31,66,590/- at the rate of 6% per cent per annum from the date of filing of the claim application i.e. 18.06.2022 till the date of actual realization.
9. The office of the learned Registrar General, High Court, Calcutta shall encash the cheque stipulating the entire calculated amount as aforesaid and thereafter disburse the same to the present respondents/claimants in equal proportion as mentioned in the impugned judgment dated 29th June, 2024 passed by the Learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, Fast Track Court, Suri, Birbhum in M.A.C. Case No. 213 of 2022 on proof of proper identification of the respondents/claimants subject to payment of *ad valorem* Court fees and refund the balance amount if any through a cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company.
10. The interest accrued on the sum of money deposited by the appellant/insurance company at the office of the learned Registrar General, High Court at Calcutta which was further deposited in the Nationalized Bank by the office of the learned

Registrar General, High Court at Calcutta is to be apportioned and the balance sum of interest to be refunded to the Insurance Company through distinct account payee cheques.

11. The instant appeal is disposed of accordingly.
12. The TCR be sent down to the concerned Tribunal forthwith.
13. The interim order if any stand vacated.
14. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)