

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1129 of 2024

**Mamata Roy & Ors.
Versus**

Cholamondalam MS General Insurance Company Ltd. & Anr.

For the Appellant : Mr. Arup Kumar Bag

For the Respondent No.1/
Insurance co. : Mr. Soumalya Ganguli

Heard & Judgment on : 21st July, 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 24th May, 2024 passed by the learned Judge, Motor Accident Claims Tribunal cum Bench V, City Civil Court, Calcutta in M.A.C. Case No. 320 of 2020.
3. Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground of erroneous deduction of 1/3rd of the annual income of

the deceased victim towards personal expenditure instead of 1/4th since the number of claimants had been 4.

4. The learned Advocate representing the respondent No.1/Insurance Company controverted the claim of the Learned Advocate representing the appellants/claimants.
5. Considered the rival contentions of the Learned Advocates representing the respective parties.
6. Since the occurrence of the accident and other ancillary issues have not been disputed by the learned advocate representing the respondent No.1/insurance company, this Court restricts itself only to consider the point agitated by both the parties. The application under Section 166 of the Motor Vehicles Act stated the number of claimants to be 4 namely i.e. Mamata Roy, Sreeja Roy, Sanjhbati Roy and Kamala Ray. Accordingly 1/4th of the annual income should be deducted towards personal expenditure. The other aspects of the impugned judgment and order remained unaltered.
7. The impugned award of Rs. 85,78,448/- is modified as follows:

Monthly Income	Rs. 66132/-
Deduction (P. Tax + Income Tax)	Rs. 3200/-
Future Prospect to be added(30%)	Rs. 62,932/-
	Rs. 18,880/-
	Rs. 81,812/-
Annual Income	Rs. 81,812/-
	X 12

1/4 th Deduction	Rs. 9,81,744/-
Personal Expenses	Rs. 2,45,436/-
	Rs. 7,36,308/-
Multiplier "13"	X 13
General Damages	Rs. 95,72,004/-
	Rs. 84,000/-
Less Award	Rs. 96,56,004/-
	Rs. 85,78,448/-
Entitlement	Rs. 10,77,556/-

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 85,78,448/-. The appellants/claimants are entitled to a sum of Rs. 10,77,556/- along with interest at the rate of 6% per annum to be paid from the date of filing of the claim application i.e. 17.10.2020 till the date of final realization. In view of the observation of the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors.**¹ 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. 10,77,556/- along with interest as aforesaid before the office of the learned Registrar General, High Court Calcutta within two months from the date of passing of this order.

¹ 2025 INSC 361

10. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same directly to the bank accounts of the present appellants/claimants as mentioned in the award passed by the learned Judge, Motor Accident Claims Tribunal cum Bench V, City Civil Court, Calcutta in M.A.C. Case No. 320 of 2020 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. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)