

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1362 of 2024

**Reliance General Insurance Company Limited
Versus
Sk. Yusuf & Ors.**

With

COT/157/2024

**Sk. Yusuf
-Vs.-**

Reliance General Insurance Company Limited & Anr.

For the Appellant : Ms. Gopa Das Mukherjee.

For the Respondents : Mr. Jayanta Kumar Mondal.

Heard & Judgment on : 23th April, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondents/claimants are present.
2. The instant appeal had been filed against the judgment and award dated 21.06.2024 passed by the Learned Judge, Motor

Accident Claims Tribunal, Special Court, Durgapur, Paschim Burdwan in M.A.C. Case No. 24 of 2014.

3. The Learned Advocate representing the appellant/Insurance Company submitted to have filed the instant appeal exclusively on the ground that the learned Tribunal while computing the compensation amount had erroneously stated certain figures which were wrongly added up to the compensation amount which required modification.
4. The learned Advocate representing the respondents/claimants did not controvert the same.
5. Since the occurrence of the accident, involvement of the offending vehicle, the driving license, Insurance certificate etc. are not disputed by the learned advocate representing the appellant/insurance company, this Court restricts itself only to the extent of rectifying the compensation awarded in the following manner.
6. 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. 17,06,800/- is modified as follows:

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

² (2009) 6 SC 121

Monthly Income	Rs. 4,000/-
	X 12
Annual Income	Rs. 48,000/-
	Rs. 12,000/-
Add : Future Prospects(25%)	-----
	Rs. 60,000/-
	X 14
Multiplier '14'	Rs. 8,40,000/-
	X 85%
Disability 85%	Rs. 7,14,000/-
Loss of future earning	Rs. 50,000/-
Add : Pain and Sufferings	Rs. 50,000/-
Charges of attendant	Rs. 1,00,000/-
Future medical expenses	Rs. 50,000/-
Loss of expectation of life	Rs. 50,000/-
Loss of amenities	Rs. 50,000/-
Expenses for travelling	Rs. 5,00,000/-
Medical expenses(actual)	Rs. 15,64,000/-
Total Award	

7. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs.29,74,535/- as per challan filed by the learned advocate representing the appellant/insurance company.
8. The Respondent/claimant is entitled to receive the amount of Rs. 15,64,000/- along with interest at the rate of 6% per cent per annum from the date of filing of the claim application, i.e., 05.05.2012 till the date of actual realization.
9. The office of the learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited to the respondent/claimant within

four weeks from date as mentioned in the impugned judgment of the Learned Judge, Motor Accident Claims Tribunal, Special Court, Durgapur in M.A.C. Case No. 24 of 2014 on proof of proper identification of the respondent/claimant subject to payment of ad valorem Court fees and refund the balance amount through a cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company.

10. The interest generated on the sum of money deposited by the appellant/insurance company at the office of the Learned Registrar General, High Court at Calcutta which has already been deposited in the nationalized bank by the office of the Learned Registrar General, High Court at Calcutta is to be apportioned and the sum of interest accrued on the aforesaid amount is to be disbursed in favour of the appellant/insurance company for the accounts of the insurance company.
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.)

Srimanta, A.R.(Ct.)