

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

**FMA 1497 of 2024
CAN 3 of 2025
National Insurance Co. Ltd.
Versus
Bulu Rani Ghosh & Ors.**

For the Appellant Insurance co.	:	Mr. M.P. Chakraborty Ms. Ratnadipa Karmakar
For the Respondent Nos. 1 to 3 claimants	:	Mr. Amit Ranjan Roy
Heard on & Judgment on	:	3 rd April, 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 24th November, 2023 passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, 4th Court, Paschim Medinipur in M.A.C. Case No. 272 of 2019.
3. An application under Section 166 of the Motor Vehicles Act had been filed by the claimants on account of the death of

the victim in an accident which occurred on 28.05.2019 at about 9.20 a.m. with the involvement of the offending vehicle being pick up van bearing registration No. WB-29B/4146 which approached from Chandrakona Road towards Salboni at an exceeding speed rashly and negligently and hit the victim who was severely injured and was admitted at Salboni Primary Health Centre and succumbed to his injuries on the date of the accident.

4. Learned Advocate representing the appellant/insurance company submitted that the Learned Tribunal had erroneously granted a sum of Rs. 1,20,000/- in excess of the general damages and did not specifically mention the rate of interest to be paid on the amount of compensation.
5. The Learned Advocate representing the respondent Nos. 1 and 3/claimants opposed the submission of the Learned Advocate representing the appellant/insurance company and submitted that the learned Tribunal was justified in granting the awarded sum.
6. Since the occurrence of the accident, the driving license, the Insurance policy, the route permit etc. and other ancillary issues have not been disputed by the learned advocate representing the appellant/insurance company, this Court

restricts itself only to the extent agitated by the Learned Advocate representing the appellant/insurance company as aforesaid.

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. 8,74,600.88/- is modified as follows:

Annual Income (Rs. 7000 x 12)	Rs. 84,000/-
Future Prospect to be added(10%)	Rs. 8400/-
Deduction towards personal	Rs. 92,400/-
Expenses	Rs. 30,800/-
Multiplier to be "11"	Rs. 61,600/-
	X 11
General damages	Rs. 6,77,600/-
	Rs. 84,000/-
Entitlement	Rs. 7,61,600/-

8. The respondent Nos. 1 to 3/claimants are entitled to a sum of Rs. 7,61,600/- along with 6% interest per annum to be paid from the date of filing of the claim application till the date of its realization.
9. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 11,56,939/=(Rs. 25,000 + 11,31,939) through two separate

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

² (2009) 6 SC 121

cheques as per challan filed by the learned advocate representing the appellant/insurance company.

10. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present respondent Nos. 1 to 3/claimants in equal proportion in the award passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, 4th Court, Paschim Medinipur in M.A.C. Case No. 272 of 2019 on proof of proper identification of the respondent Nos. 1 to 3/claimants subject to payment of ad valorem Court's fees and refund the differential amount if any through a cheque to the learned advocate for the insurance company for the accounts of the insurance company.
11. 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 been further 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 through a cheque to be deposited at the office of the appellant/insurance company.

12. The instant appeal is disposed of accordingly.
13. The interim order if any stand vacated.
14. The pending application is also disposed of.
15. 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.