

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1358 of 2024

**National Insurance Company Limited
Versus
Mallika Bagdi & Ors.**

For the Appellant/Insurance Company: Mrs. Sucharita Paul.

For the Respondents/claimants : Mr. Krishanu Banik.

Heard & Judgment on : 8th August, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondents/claimants are present in Court.
2. The instant appeal had been filed against the judgment and award dated 21.06.2024 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, Fast Track Court, Suri, Birbhum in M.A.C. Case No. 25 of 2023.
3. The Learned Advocate representing the appellant/Insurance Company submitted to have filed the instant appeal exclusively on

the ground that the offending vehicle had been falsely fabricated in the instant complaint case for the purpose of extracting compensation from the appellant/Insurance Company. The accident occurred on 21.09.2022 at 3:00 A.M. in the dead of night and the eye-witness had been tutored to adduce false evidence before the Learned Tribunal. Eye-witness being P.W. 2 submitted to have known the claimants' family as well as the victim. However, he did not inform the number of the offending vehicle to the victim's family earlier on the date of the accident. The mother of the deceased victim lodged a complaint at the Police Station on the date of the accident which did not mention the number of the offending vehicle. Under such circumstances, it can be concluded that the offending vehicle being an ambassador car was falsely implicated with an ulterior motive. Moreover, the Learned Tribunal had assessed the compensation on the basis of the general damages granted above Rs.36,000/- since the victim had been a bachelor.

4. The Learned Advocate representing the respondents/claimants submitted that the owner of the offending vehicle after 2 to 3 days of the occurrence of the accident had himself appeared before the concerned Police Station and revealed the number of the offending vehicle giving no scope of false implication of 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 above-mentioned issues.

6. Considered the rival contentions of the respective parties.
7. Evidently, the document marked as exhibit-6 being the complaint filed by the mother of the victim did not state the number of the offending vehicle. However, the charge-sheet marked as exhibit-7 stated the number of the offending vehicle which being a white coloured ambassador was seized, however, it did not mention as to the seizure of the same on the basis of the information received by the owner of the offending vehicle. Nonetheless, the charge-sheet submitted after completion of an investigation, prima facie, cannot be disputed. However, the victim unfortunately died as a bachelor and the Learned Tribunal considered the general damages to the extent of Rs.1,10,000/- instead of Rs.30,000/-.
8. 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. 8,66,000/- is modified as follows:

Annual Income	Rs. 60,000/-
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1 2017(4)TAC 673(S.C)

² (2009) 6 SC 121

Add : Future Prospect (40%)	Rs. 24,000/-
Less: 1/2 Personal Expenses	Rs. 84,000/-
	Rs. 42,000/-
	X 18
Multiplier to be "18"	
	Rs. 7,56,000/-
Add : General Damags	Rs. 36,000/-
	Rs. 7,92,000/-

9. The Learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs.9,59,017/- as per challan filed by the Learned Advocate representing the Appellant/Insurance Company.

10. The Respondents/claimants are entitled to receive the amount of Rs. 7,92,000/- at the rate of 6% per cent per annum from the date of filing of the claim application till the date of actual realization.

11. The Office of the Learned Registrar General, High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited with accrued interest directly to the Bank accounts of the respondents/claimants in equal proportion as mentioned in the impugned judgment of the Learned Additional District Judge, Motor Accident Claims Tribunal, Fast Track Court, Suri, Birbhum in M.A.C. Case No. 25 of 2023 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Court fees and refund the balance amount, if any, along with accrued interest through a

cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company. The Office of the Learned Registrar General, High Court at Calcutta will instruct the claimants to provide details of their Bank accounts with relevant documentary proof, prior to such disbursal as aforesaid.

12. The instant appeal is disposed of accordingly.
13. The pending applications, if any, stands disposed of.
14. 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.)