Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:
The Hon'ble Justice Ananya Bandyopadhyay

FMA 1049 of 2023

National Insurance Company Limited
Versus
Suparna Sen & Ors.

For the Appellant/Insurance Company	:	Mr. Rajesh Singh.
For the Respondents/Claimants	:	Mrs. Rita Bhattacharya.
Heard & Judgment on	:	11th September, 2025.

Ananya Bandyopadhyay, J:

1. The Learned Advocates representing the respective parties are present in Court today.
2. The instant appeal had been preferred against the impugned judgment and order dated 19.07.2023 passed by the Learned Additional District and Sessions Judge, Motor Accident Claims Tribunal, Fast Track Court – I, Paschim Medinipur in M.A.C. Case No. 420 of 2020.
3. In compliance with the order dated 25.02.2025 passed by this Court the Learned Tribunal had issued notice to the concerned personnel of the employer of the deceased victim and recorded

the evidence and exhibited the salary certificate along with the last income-tax return prior to the death of the victim which was being marked as Exhibits 17 and 18 series.

4. Considered the submissions of the Learned Advocates representing both the parties.

5. From the evidence of P.W. 4 and P.W. 5 the employment of the deceased victim under Reshmi Cements Limited is proved. As per the documents marked as Exhibit 17 being the last income-tax return the annual income of the victim is Rs.3,98,777/- - Rs.1,760/- = Rs.3,97,017/-. No further tax had been deducted. The income of the victim did not fall within the taxable limit. The victim was aged 55 years on the date of the accident. Accordingly, the multiplier would be 11.

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. 36,90,000/- is modified as follows:

Gross Annual Income	Rs. 3,98,777/-
Less : P. Tax	Rs. 1,760/-
	Rs. 3,97,017/-
Less : 1/3rd Personal Expenses	Rs. 1,32,339/-
	Rs. 2,64,678/-

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

[2] **(2009) 6 SC 121**

Add : 15% Future Prospect	Rs. 39,702/-
	Rs.3,04,380/-
Multiplier to be "11"	X 11
	Rs. 33,48,180/-
Add : General Damages	Rs. 84,000/-
Total	Rs. 34,32,180/-

7. The Learned Advocate representing the appellant/Insurance Company submitted to have deposited a sum of Rs.43,95,327/- as per challan filed by the Learned advocate representing the appellant/insurance company.
8. The Learned Tribunal had awarded the compensation to the claimants of Rs. 36,90,000/- along with interest at the rate of 6% per annum from the date of filing of the application till the date of realization. The respondents/claimants are entitled to a sum of Rs. 34,32,180/- along with 6% interest per annum to be paid from the date of filing of the application till the date of its 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 with accrued interest to the Bank accounts of the respondents/claimants as mentioned in the impugned judgment of the Learned Additional District and

Sessions Judge, Motor Accident Claims Tribunal, Fast Track Court – I, Paschim Medinipur in M.A.C. Case No. 420 of 2020 on proof of proper identification of the respondents/claimants subject to payment of ad valorem Court fees 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.

10. The instant appeal is disposed of accordingly.

11. The pending applications, if any, stands disposed of.

12. The TCR be sent down to the concerned Tribunal forthwith.

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.)