

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1441 of 2024

Atasi Pramanik & Ors.

Versus

The National Insurance Co. Ltd & Anr.

For the appellants/claimants. : Mr. Amit Ranjan Roy

For the respondent nos. 1 : Mrs. Sucharita Paul

Heard & Judgment on : 21st 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 16th April, 2024 passed by the learned Additional District Judge, Motor Accident Claims Tribunal, Fast Track Court - 1, Tamluk, Purba Medinipur in M.A.C. Case No. 111 of 2021.
3. The Learned Advocate representing the appellants/claimants submitted that the instant appeal had been filed only on the exclusive issue that the learned Tribunal granted future prospect to the extent of 50% disregarding the age of the victim 36 years at the time of the accident.
4. The Learned Advocate representing the respondent No.1/insurance Company concedes to the same.
5. Under such circumstances, the impugned judgment and order passed by the Motor Accident Claims Tribunal-cum-Additional

District Judge, Fast Track Court- 1, Tamluk, Purba Medinipur in MAC

Case No. 111/2021 is modified to the following extent:

Monthly Income	Rs. 20,475/-
Add : 50% Future prospect	Rs. 10,237.50/-
Annual Income	Rs. 30,712.50/-
	X 12
	Rs. 3,68,550/-
Multiplier to be "15"	
	X 15
	Rs. 55,28,250/-
Less : 1/4 th on personal expenses	Rs. 13,82,062.50/-
	Rs. 41,46,187.50/-
Add : general damages	Rs. 70,000/-
	Rs. 42,16,187.50/-
Less : Award already received by claimants	Rs. 35,25,157/-
Enhanced compensation	
	Rs. 6,91,030.50/-

6. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs. 35,25,157/-. The appellants/claimants are entitled to a sum of Rs. 6,91,030.50/- along with 6% interest per annum to be paid from the date of filing of the application i.e. 18.02.2021 till the date of its actual realization.
7. The Learned Advocate for the respondent No.1/insurance company is to deposit the balance sum of Rs. 6,91,030.50/- along with 6 % per cent interest per annum from the date of filing of the claim application before the office of the learned Registrar General, High Court Calcutta within six weeks from the date of passing of this order.
8. The office of the Registrar General, High Court, Calcutta shall encash the said cheque and thereafter disburse the same to the present appellants/claimants in equal proportion as mentioned in the award passed by the learned Additional District Judge, Motor Accident

Claims Tribunal, Fast Track Court - 1, Tamluk, Purba Medinipur in M.A.C. Case No. 111 of 2021 on proof of proper identification of the appellants/claimants subject to payment of *ad valorem* Court's fees.

9. The instant appeal is disposed of accordingly.
10. The pending applications if any stands disposed of.
11. 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)