

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 904 of 2024

**National Insurance Co. Ltd.
Versus
Tohida Khatun & Ors.**

For the Appellant : Mr. Rajesh Singh

For the Respondent No.1 to 4/
claimants : Mr. Ali Imam Shah

Heard & Judgment on : 8th 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 August, 2023 passed by the learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, Fast Track Court, Suri, Birbhum in M.A.C. Case No. 297 of 2021.
3. Learned Advocate representing the appellant/insurance company submitted to have filed the instant appeal exclusively on the

ground of excess of parental consortium to the tune of Rs. 1,60,000/- instead of Rs. 40,000/-.

4. The learned Advocate representing the respondent Nos. 1 to 4/claimants opposed the submission of the Learned Advocate representing the appellant/insurance company.
5. Considered the rival contentions of the Learned Advocates representing the respective parties.
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 respondent No.1/insurance company, this Court restricts itself only to consider the point agitated by both the parties. The learned Tribunal did commit an error in computing the funeral expenses to the extent of Rs.1,60,000 instead of Rs. 40,000. This Court is not inclined to interfere with the remaining portion of the impugned judgment and order passed by the learned Tribunal.
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. 14,75,200/- is modified as follows:

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

² (2009) 6 SC 121

Monthly Income	Rs. 6000/-
Future Prospect to be added(40%)	Rs. 2400/-
1/4 th Deduction	Rs. 8,400/-
Personal Expenses	Rs. 2100/-
	Rs. 6300/-
Annual Income(Rs. 6300 x 12)	Rs. 75,600/-
	X 17
Multiplier to be “ 17”	
General Damages	Rs. 12,85,200/-
	Rs. 77,000/-
Entitlement	Rs. 13,62,200/-

8. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 17,04,865/=(Rs. 25,000 + 16,79,865) through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company.
9. The Respondent Nos. 1 to 4/claimants are entitled to receive the amount of Rs. 13,62,200/- at the rate of 6% per cent per annum from the date of filing of the claim application till the date of actual realization.
10. 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 Nos. 1 to 4/claimants as mentioned by learned Judge, Motor Accident Claims Tribunal cum Additional District Judge, Fast Track Court, Suri, Birbhum in M.A.C. Case No. 297 of 2021 on proof of proper

identification of the respondent No.1 to 4/claimants 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.

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 TCR be sent down to the concerned tribunal forthwith.
15. Copy of the order be sent to the Department as well as the concerned tribunal as expeditiously as possible.

(Ananya Bandyopadhyay, J.)

