

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 1443 of 2024

Punam Mallick & Ors.

Versus

National Insurance Company Limited & Anr.

For the Appellants/claimants : Mr. Rabindra Nath Basu.

For the Respondents/Insurance
Company : Mr. Rajesh Singh.

Heard & Judgment on : 7th August, 2025.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellants/claimants and the respondents/Insurance Company are present in Court.
2. The instant appeal had been filed against the judgment and award dated 23.07.2024 passed by the Learned Judge, Motor Accident Claims Tribunal, Bench No. XI, City Civil Court, Calcutta in M.A.C. Case No. 44 of 2019.

3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the ground that the Learned Tribunal erroneously deducted the interest on the future prospect. Moreover, the number of claimants being four the Tribunal had erred in deducting $1/3^{\text{rd}}$ towards personal expenses from the annual income of the victim instead of $1/4^{\text{th}}$. Moreover, a sum of Rs.15,000/- had been granted towards funeral expenses which was inadequate in proportion to the prescribed guidelines of the decision of the Supreme Court in National insurance company Ltd. Vs. Pranay Shetty & Anr.
4. The Learned Advocate representing the respondents/Insurance Company submitted that the Learned Tribunal had considered deduction to the extent of $1/3^{\text{rd}}$ towards personal expenses since the father of the victim to have been one of the claimants was not proved to have been dependent on the income of the deceased victim. The Learned Advocate representing the respondents/Insurance Company, however, conceded to the other issues raised by the Learned Advocate representing the appellants/claimants in terms of the interest to have been wrongfully deducted as far as future prospect was concerned and a sum of Rs. 15,000/- to have been granted for the purpose of funeral expenses.

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 respondents/insurance company, this Court restricts itself only to the extent of rectifying the above-mentioned issues.
6. Considered the rival contentions of the Learned Advocates representing the respective parties.
7. The evidence of P.W.1 in examination-in-chief as well as the cross-examination did not mention that the father of the deceased victim was dependent on the income of the same. However, if the entire components as detailed by the Supreme Court in the Judgment of National insurance company Ltd. Vs. Pranay Shetty & Anr¹ and Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr.², the interest should be borne on the cumulative amount rather than in segregation or isolation of an individual category. The Learned Tribunal, therefore, had erred in considering the future prospect to be one of such composite component to be isolated without any rate of interest to have been imposed upon the same. The amount of compensation towards the general damages in view of the aforesaid Judgments should have been properly determined.

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

² (2009) 6 SC 121

8. Considering the observations of the Hon'ble Apex Court in National insurance company Ltd. Vs. Pranay Shetty & Anr³ and Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr.⁴, the impugned award of Rs. 9,67,000/- is modified as follows:

Annual Income	Rs. 60,000/-
Add : Future Prospect (40%)	Rs. 24,000/-
	Rs. 84,000/-
Less: 1/3 rd Personal Expenses	Rs. 28,000/-
	Rs. 56,000/-
Multiplier to be "17"	X 17
	Rs. 9,52,000/-
Add : General Damags	Rs. 84,000/-
	Rs. 10,36,000/-
Less: Already received in terms of Tribunal's award	Rs. 9,67,000/-
Enhancement	Rs. 69,000/-

9. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs.9,67,000/-. The appellants/claimants are entitled to receive the balance sum of Rs.69,000/- along with 6% interest per annum to be paid from the date of filing of the claim application till the date of its actual realization. In view of the observation of the Hon'ble Supreme Court in Parminder Singh -Vs.- Honey Goyal & Ors.⁵ the appellants/claimants are to provide the details of Bank accounts held in the name of the appellants/claimants at the office of the

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

⁴ (2009) 6 SC 121

⁵ 2025 1 NSC 361

Learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.

10. The Learned Advocate representing the respondent/Insurance Company is to deposit the balance sum of Rs.69,000/- along with at the rate of 6% interest per annum from the date of filing of the claim application before the office of the Learned Registrar General, High Court, Calcutta within three months from the date of passing of this order.
11. The Office of the Learned Registrar General, High Court at Calcutta, shall encash the cheques and thereafter disburse the same directly to the Bank accounts of the appellants/claimants in equal proportion as mentioned in the impugned judgment of the Learned Judge, Motor Accident Claims Tribunal, Bench No. XI, City Civil Court, Calcutta in M.A.C. Case No. 44 of 2019 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court fees.
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.)