

Form No.J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 406 of 2024

Bajaj Allianz General Insurance Co. Ltd.

Versus

Mohan Khan & Anr.

With

COT 24 of 2025

CAN 1 of 2025

Mohan Khan.

Vs.

Bajaj Allianz General Insurance Co. Ltd. & Anr.

For the Appellant	:	Mr. Rajesh Singh
For the Respondent No.1 / claimants	:	Mr. Jayanta Kumar Mondal Mr. Debapriya Samanta Mr. Sayantan Rakshit
Heard & Judgment on	:	17 th July, 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 26th September, 2016 passed by the learned Judge,

Motor Accident Claims Tribunal cum Additional District Judge, 2nd FTC, Burdwan in M.A.C. Case No. 20 of 2014/104 of 2014.

3. Learned Advocate representing the appellant/insurance company submitted that the instant appeal had been filed only for rectifying of the initial assessment of the compensation by the learned tribunal to the extent of Rs. 6,44,500/- based on erroneous calculation with regard to the ingredients of multiplier, general damages and future prospect.
4. The Learned Advocate representing the respondent Nos. 2/claimant submitted that the claim application stated the claim to be Rs. 4,00,000/-. However, the learned tribunal had calculated the compensation to be Rs. 6,44,500/- in its accord to reduce Rs. 4,00,000/- since the claim application revealed the compensation to be Rs. 4,00,000/-. Accordingly, he prayed for "just compensation".
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 age of

the victim at the relevant point of time of the accident was 56 years. Therefore, the multiplier should have been considered as 9 instead of 11. Though at the relevant point of time prior to the pronouncement of the judgment of National Insurance Co. Ltd. Vs. Pranay Shetty & Anr. the general damages had been assessed to the tune of Rs. 1,4,500/- the same required to be modified in the present day perspective. Similarly, the future prospect should also be modified to the extent of 10%.

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. 4,00,000/- is modified as follows:

Monthly Income	Rs. 5000/-
Future Prospect 10%	Rs. 500/-
	Rs. 5,500/-
Annual Income (Rs. 5500 x 12)	Rs. 66000/-
Less 1/3 rd Deduction	Rs. 22,000/-
Personal Expenses	Rs. 44,000/-
Multiplier to be "9"	X 9
	Rs. 3,96,000/-
Non Pecuniary Damages	Rs. 84,000/-
Entitlement	Rs. 4,80,000/-

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

² (2009) 6 SC 121

8. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 5,08,418/=(Rs. 25,000 + 4,83418/-) through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company. The Learned Advocate representing the appellant/insurance company further deposited sum of Rs. 80,000/- along with interest at the rate of 6% per annum from the date of filing of the claim application till the date of deposit before the learned Registration General, High Court at Calcutta.
9. The respondent No.2/claimant is entitled to receive the amount of Rs. 4,80,000/- along with interest 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 with accrued interest directly to the bank accounts of the respondent Nos. 1/claimant in M.A.C. Case No. 20 of 2014/104 of 2014 on proof of proper identification of the respondent No.1/claimant subject to payment of ad valorem Court fees. The office of the learned Registrar General, High Court at Calcutta will instruct the claimant to provide details

of his bank accounts with relevant documentary proof, prior to such disbursal as aforesaid.

11. The instant appeal and cross objection are disposed of accordingly.
12. The pending applications, if any, stands disposed of.
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.)

c.m. AR. Ct.