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16.9.2025
Ct. No. 1
SB

FMA 924 of 2025
CAN 2 of 2025 (stay)
CAN 3 of 2025 (Section 5)

National Insurance Company Limited
Vs.
Sujata Dutta & Anr.

Ms. Gopa Das Mukherjee .. for the appellant

Mr. Saidur Rahaman ... for the respondent

1. We have heard the learned advocates for the parties.
2. The original applicant suffered an injury due to accident on 23.3.2004. At the time of accident, he was 38 years old. Therefore, the fracture to be applicable in this case would be 189.56.
3. The documents exhibited with regard to the disability namely, Exhibits 12, 13 & 14 would show that the applicant suffered fracture injury of femur due to R.T.A. However, the degree of disability was not mentioned in any one of the documents. However, having regard to the nature of the injury and the effect of such injury to assess that degree of disability, we may assess it at 30% instead of 50% and accordingly suitably modify the compensation amount to the aforesaid extent.
4. The compensation amount will be now $3,155 \times 60\% \times 189.56 \times 30\% = \text{Rs.}1,07,652/-$.
5. The impugned award is modified to the aforesaid extent.
All other conditions in the award shall remain unaltered.
6. We request the Commissioner, 1st Court, Employees' Compensation, W.B. to release the compensation amount

upon recalculating the sum awarded to the lawful and rightful claimant.

7. The excess amount along with interest shall be released to the insurance company.
8. The appeal and the applications are accordingly, disposed of.

[Soumen Sen, C.J. (Acting)]

(Apurba Sinha Ray, J)