

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 65 of 2025

**Rakhi Utthasini & Ors.
Versus
Shriram General Insurance Company Limited & Anr.**

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

For the Respondent No. 1/Insurance
Company : Mr. Rajesh Singh.

Heard & Judgment on : 25th September, 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 10.06.2024 passed by the Learned Additional District Judge, Motor Accident Claims Tribunal, 1st Court, Purba Medinipur in M.A.C. Case No. 369 of 2015.
3. The Learned Advocate representing the appellants/claimants submitted to have filed the instant appeal exclusively on the

ground that the Learned Tribunal did not consider the document marked as Exhibit – 9 collectively which denoted the income-tax return filed for the year 2013-14 which mentioned the yearly income of the victim to be Rs.2,04,230/-. The tax payable was to the extent of Rs.436/-. Accordingly, the yearly income of the victim should have been Rs.2,03,794/-. The Learned Advocate representing the appellants/claimants further submitted that the Learned Tribunal did not grant any compensation towards future prospect considering the age of the victim to be 27 years as per the document as Exhibit-7 being the Voter Identity Card.

4. The Learned Advocate representing the respondents/Insurance Company conceded to the same. The Learned Advocate representing the respondents/Insurance Company submitted that the father of the victim was not dependent on the income of the same which devoid of any evidence to that effect.
5. Since the occurrence of the accident, involvement of the offending vehicle, driving licence, 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. 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. 22,12,000/- is modified as follows:

Annual Income	Rs. 2,04,230/-
Tax paid	Rs. 436/-
	Rs. 2,03,794/-
Less : 1/4 th Personal Expenses	Rs. 50948/-
	Rs. 1,52,846/-
Add : 40% Future Prospect	Rs. 61,138/-
	Rs. 2,13,984/-
Multiplier to be "17"	X 17
	Rs. 36,37,728/-
Add : General Damages	Rs. 84,000/-
	Rs. 37,21,728/-
Less: Already received in terms of Tribunal's award	Rs. 22,12,000/-
	Rs. 15,09,728/-
Enhancement	

8. The Learned Advocate for the appellants/claimants submitted that the appellants/claimants have withdrawn a sum of Rs.22,12,000/-. The appellants/claimants are entitled to receive the balance sum of Rs.15,09,728/- 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

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

² (2009) 6 SC 121

& Ors.³ the appellants/claimants are to provide the details of Bank accounts held in the name of the appellants/claimants at the office of the Learned Registrar General, High Court at Calcutta for disbursal of the compensation amount.

9. The Learned Advocate representing the respondents/Insurance Company is to deposit the balance sum of Rs.15,09,728/- along with interest 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 two months from the date of passing of this order.
10. 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 Additional District Judge, Motor Accident Claims Tribunal, 1st Court, Tamluk, Purba Medinipur in M.A.C. Case No. 369 of 2015 on proof of proper identification of the appellants/claimants subject to payment of ad valorem Court fees.
11. The instant appeal is disposed of accordingly.
12. The pending applications, if any, stands disposed of.
13. The TCR be sent down to the concerned Tribunal forthwith.

³ 2025 1 NSC 361

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.)