

Form No. J(2)

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 286 of 2024

**The New India Assurance Co. Ltd.
Versus
Asit Maji & Anr.**

With

COT/133/2024

**Asit Maji
-Vs.-
The New India Assurance Co. Ltd. & Anr.**

For the Appellant	:	Mr. Rajdeep Bhattacharya
For the Respondent No.1	:	Mr. Amit Ranjan Roy
Heard on	:	27.08.2025
Judgment on	:	29 th January, 2026.

Ananya Bandyopadhyay, J:

1. Both the Learned Advocates representing the appellant/Insurance Company and the respondent No.1 /claimant are present in Court.
2. The instant appeal had been filed against the judgment and award dated 19th October, 2023 passed by the Learned Judge,

Motor Accident Claims Tribunal cum Additional District & Sessions Judge, 1st Court, Asansol, Paschim Bardhaman in M.A.C. Case No. 31 of 2006 (M.A.C. No. 10 of 2007).

3. The Learned Advocate representing the appellant/Insurance Company submitted that the victim had suffered physical disablement to the extent of 40%. The victim had been in permanent employment of SBSTC and had been granted promotion after the sustenance of the accident. The Learned Tribunal had erroneously granted the loss of income for the period undergone by the victim towards medical treatment which otherwise was compensated by the employer. It was further submitted that the interest at the rate of 9% per annum was exorbitant. The victim was 38 years of age at the relevant time of the accident and the Learned Tribunal had erroneously considered the multiplier to be '16' instead of '15'.
4. The Learned Advocate representing the respondent No.1 /claimant submitted to have filed a cross objection being COT 133 of 2024 claiming future prospect to the extent of 30% and interest to be computed from the date of filing of the application under Section 166 of the Motor Vehicles Act till the date of its actual realization.
5. Considered the submission of the Learned Advocates representing the respective parties as well as the documents on record.

6. Since the occurrence of the accident, the driving license, the Insurance policy, etc. and other ancillary issues have not been disputed by the Learned Advocate representing the appellant/insurance company, this Court restricts itself only to the extent of issues agitated by the Learned Advocates representing the respective parties. The Learned Tribunal taken into account of the relevant aspect had detailed the calculation with regard to the annual income medical expenses, future medical expenses, future prospect, pain and suffering etc. The multiplier should have been '15' instead of '16' with regard to the age of the victim at the time of the accident. The interest should have been computed 6% per annum from the date of filing of the application under Section 166 of the Motor Vehicles Act till the date of its realization.
7. The impugned award of Rs. 24,66,814/- is modified as follows:

Annual Income (Rs. 67,224 x 15)	Rs. 10,08,360/-
Disability (40%)	Rs. 4,03,344/-
Medical Expenses	Rs. 1,59,371/-
Future Medical Expenses	Rs. 3,50,000/-
Future Prospect	Rs. 1,00,000/-
Pain & suffering	Rs. 2,00,000/-
Entitlement	<u>Rs. 12,12,715/-</u>

8. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 21,21,728/=(Rs. 25,000 + 20,96,728/-) 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 is to deposit the differential amount, if any, before the office of the Learned Registrar General, High Court at Calcutta as expeditiously as possible.

9. The Learned Advocate representing the respondent Nos. 1 to 6/claimants are entitled to receive the amount of Rs. 12,12,715/- at the rate of 6% per cent per annum from the date of filing of the claim application i.e. 07.02.2006 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 account of the present respondent Nos. 1 /claimant as mentioned in the impugned judgment and award passed by Learned Judge, Motor Accident Claims Tribunal cum Additional District & Sessions Judge, 1st Court, Asansol, Paschim Bardhaman in M.A.C. Case No. 31 of 2006 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 detail of his bank account with relevant documentary proof, prior to such disbursal as aforesaid.

11. The instant appeal and cross objection are disposed of accordingly.
12. The pending application, 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.)