02.04.2026
Sl. No.24
Ct. No. 09
Sws.M

FMA 1796 of 2025

Rebina Khatun & Ors.
vs.
The New India Assurance Company Ltd. & Anr.

Mr. Amit Ranjan Roy
…for the appellants

Mr. Avishek Das
Mr. Soubhik Dey
…for the respondents / Insurance Co.

Learned advocates for the parties are present.

Heard learned advocates.

As there are certain mistakes with regard to the calculation of the compensation amount, the matter is to be put up for necessary rectification and calculation of the judgment and order dated 5th March, 2026. In para 16 of the said order, it was observed that the monthly income of the victim be considered as Rs.16,000/- and the future prospect of 40% comes to Rs.4,000/-. Thus, the total monthly income is Rs.20,000/-per month. Instead of Rs.4000/- the future prospect by arithmetical calculation is Rs.6400/-. When the future prospect is Rs.6400/-, the total monthly income is Rs. 22,400/-. One third is deducted on account of personal expanses which is Rs.7467/- and the monthly income comes to Rs.14,933/-. The annual income comes to Rs.1,79,196/-. The multiplier of 17 is to be applied. Thus the total dependency lost comes to Rs.30,46,332/-. The appellants are entitled to general damages of Rs.1,10,000/- which includes consortium of Rs.40,000/- to wife and mother of the victim and Rs.30,000/- on account of funeral expenses and loss of assets.

Thus, the total compensation which come by arithmetical calculation is Rs.31,56,332/-. However, this Court is of the view that compensation of Rs.31,00,000/- is just and reasonable.

As the insurance company has already deposited the sums awarded by the Tribunal, the balance amount along with interest @ 6% per annum be deposited by the insurance company within eight weeks from the date of communication of this order.

The order dated 02.04.2026 stands modified to the extent mentioned above.

(Biswaroop Chowdhury, J.)