

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

Present:

The Hon'ble Justice Ananya Bandyopadhyay

FMA 915 of 2023

National Insurance Company Limited.

Vs

Shilpa Saha & Ors.

For the Appellants : Mr. Deb Narayan Ray

For the Respondents : Ms. Sima Ghosh

Heard on & Judgment on : 08.05.2025

Ananya Bandyopadhyay, J.:-

1. The instant appeal was heard earlier and judgment was reserved. However, the matter was listed under the heading **“For Hearing”** for further clarification.

2. The Learned Advocates representing both the parties are present.

3. Two claimants, being the legal heirs of the deceased victim Rounak Saha, filed an application under Section 166 of the Motor Vehicles Act, 1988 in the Court of the Motor Accident Claims Tribunal-cum-Additional District Judge, Fast Track Court, Suri, Birbhum, being MAC Case No. 121 of 2022, claiming compensation of Rs. 23,00,000/- on account of the death of the victim in a road traffic accident on 05.11.2021 at about 07:00 p.m. The offending vehicle, a Maruti Van bearing Registration No. WB38W-3688, struck the deceased in a rashly and negligently er while he was proceeding on foot along with two friends towards village Dekhuria via the Dekhuria-Satghoria road after visiting his paternal uncle's house at Gopalpur.

4. The victim sustained severe injuries and was immediately shifted to Rampurhat Medical College and Hospital, where he succumbed to his injuries during treatment on the same day. The owner of the offending vehicle did not contest the case and the case proceeded ex parte against him. National Insurance Company Limited. contested the aforesaid MAC case.

5. The Learned Tribunal as aforesaid disposed of the issues framed considering the oral as well as documentary evidence and awarded Rs. 30,54,000/- and an interest of 6% per annum.

6. Heard the submission of the learned advocates representing the respective parties. The delay in filing the complaint after 63 days had been properly explained in the complaint. Moreover, in absence of requisite documents the learned Tribunal had rightly considered the monthly income. Perused the oral and documentary evidence on record along with reasons cited by the learned Tribunal in assessing the compensation award and this Court is not inclined to interfere with the same.

Income	Rs. 20,000/-
Future Prospect to be added(40%)	Rs. 8000/-
½ Deduction Personal Expenditure	Rs. 14,000/-
	X 18
Multiplier to be “ 18”	Rs. 30,24,000/-
	Rs. 15000/-
	Rs. 15,000/-
Funeral Expenses	
Loss of Estate	Rs. 30,54,000/-
Entitlement	Along with
	interest @ 6%
	from the date of
	filing of claim case
	i.e. from
	19.04.2022 till
	realization of the
	awarded amount.

7. The learned Advocate representing the appellant/Insurance Company submits to have deposited a sum of Rs. 33,38,074/=(Rs. 25,000 + 33,03,074) through two separate cheques as per challan filed by the learned advocate representing the appellant/insurance company.

8. The Respondent Nos. 1 and 2/claimants are entitled to receive the amount of Rs. 30,54,000/- along with interest at the rate of 6% per cent per annum from the date of filing of the claim application i.e. 19.04.2022 till the date of actual realization.

9. The office of the learned Registrar General High Court at Calcutta, shall encash the cheques and thereafter disburse the entire awarded amount so deposited to the respondent Nos. 1 and 2/claimants as mentioned by Motor Accident Claims Tribunal-cum-Additional District Judge, Fast Track Court, Suri, Birbhum being MACC Case No. 121 of 2022 on proof of proper identification of the respondent No.1 and 2/claimants subject to payment of ad valorem Court fees within eight weeks and refund the balance amount, if any, through a cheque to the Learned Advocate for the Appellant/Insurance Company for the accounts of the insurance company.

10. The interest generated on the sum of money deposited by the appellant/insurance company at the office of the learned Registrar General, High Court at Calcutta which has been further deposited in the nationalized bank by the office of the learned Registrar General, High Court at Calcutta is to be apportioned and the sum of interest accrued on the aforesaid amount is to be disbursed in favour of the appellant/insurance company through a cheque to be deposited at the office of the appellant/insurance company.

11. The instant appeal is disposed of accordingly.

12. The interim order if any stand vacated.

13. The TCR be sent down to the concerned tribunal forthwith.

14. 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.