

10.07.2026
Suppl. List
Sl. 1
Subadip
Ct.No.-4

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

FMAT(MV)/28/2025

**Anju Sarkar & Ors.
VS
New India Assurance Company Limited &
Anr.**

Mr. Bikash Singha, Adv.

Mr. Abdul Habib, Adv.

....for the appellant

Mr. Rishin Chakraborty, Adv.

...for the respondent

1. This instant appeal is listed under the heading 'To Be Mentioned' in the supplementary list at the instance of the appellants for correction.

2. It is submitted by the learned Counsel appearing on behalf of the appellants that there is a typographical error in the judgment dated 09.07.2026 while calculating the awarded compensation. This Court has inadvertently added future prospect @ 40% of the income of the victim. Although, the tribunal has already assessed @ 50% of the future prospect instead of 40%. The same should be accepted and calculated in the calculation sheet for the compensation.

3. On the other side, no objection has been raised on this issue.

4. The prayer for correction of compensation is candid and innocuous. Accordingly, the same may be corrected and calculated the compensation afresh as follows:-

Monthly Income	Rs. 13,043/-
Annual Income (Rs.13,043/-X 12)	Rs. 1,56,516/-
Add: Future prospect @ 50% of the income of the victim (As per Pranay Sethi's case)	Rs. 78,258/-
Total Income	Rs.2,34,774/-
Less: deduction 1/3 rd of the total income (Towards personal and living expenses)	Rs.78,258/-
Total income after deduction	Rs. 1,56,516/-
Loss of dependency (Rs.1,56,516/- X 18) Multiplier as per age of the victim is 18	Rs. 28,17,288/-
Add: General	

Damages	
1. Loss of Estate	Rs. 15,000/-
2. Funeral Expenses	Rs.15,000/-
3. Loss of parental consortium	Rs.40,000/-
4. Loss of spousal consortium	Rs. 40,000/-
5. Loss of filial consortium	Rs.40,000/-
Total compensation	Rs. 29,67,288/-

5. Thus, the appellants/claimants are entitled to get enhanced compensation amount comes to **Rs. 2,90,776/-** (Rs. **29,67,288/-** minus Rs. **26,76,512/-**) which shall carry interest of 6% per annum from the date of filing of the claim application i.e. from 26.02.2018 till final payment and, in addition, interest @ 6% per annum shall also be calculated and paid on the awarded amount of Rs. 26,76,512/- from the date of filing of the application for compensation as aforesaid till final payment, if not already paid.

6. The respondent no. 1-Insurance Company is directed to deposit the enhanced compensation amount i.e. Rs. **2,90,776/-** and the interest as

indicated above by way of cheque before the learned Registrar, Circuit Bench of Calcutta High Court at Jalpaiguri within a period of four weeks from date.

7. Calculation sheet, paragraphs 16 and 17 be corrected accordingly.

8. This order be read conjointly with the original judgment and order dated 9th July, 2026 and made part of the judgment and order.

9. All other portions of the judgment and order shall remain unaltered.

10. All parties shall act in terms of the copy of this order duly downloaded from the official website of this Hon'ble High Court.

(Ajay Kumar Gupta, J.)