Form No. J (2)
SL No.26.

In The High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side

Present:

The Hon'ble Justice Md. Shabbar Rashidi

F.M.A. 1064 of 2026
IA NO: CAN/1/2026

The New India Assurance Company Limited

vs.

Minati Pal & Ors.

For the Appellant/Insurance Company : Mr. Rajesh Singh, Adv.
Mrs. Sucharita Paul, Adv.

For the Respondents/Claimants : Mr. Ali Imam Shah, Adv.

Heard on : November 23, 2026

Judgment on : November 23, 2026

Uploaded on : November 23, 2026

MD. SHABBAR RASHIDI, J.:-

1. The instant appeal has been preferred by the New India Assurance Company Limited assailing a judgment and decree passed on May 22, 2025 in MACC No. 72 of 2018 read with order no. 62 dated 19th

December, 2025 by which the original order passed on May 22, 2025 was corrected.

2. By the impugned judgment and order, the learned Tribunal awarded sum of Rs.19,20,512/- towards the motor accident compensation in favour of the respondents/claimants. By the said order learned Tribunal directed the present appellant to make payment of Rs.10,000,00/- in favour of the respondent no. 1 and Rs.9,20,512/- in the name of respondent no. 2 along with interest at the rate of 6 % per annum on the amount of the petitioner from the date of filing of the application on the amount of the compensation.

3. The short point involved in the present appeal is that the learned advocate for the appellant/Insurance Company has submitted that while calculating the amount of award payable to the claimants/respondents, the learned Tribunal applied wrong multiplier. According to the learned advocate for the appellant, in terms of the ratio laid down by the Supreme Court in ***(2009) 6 SCC 121 (Sarla Verma & Ors. vs. Delhi Transport Corporation & Ors.)*** and ***2017 (16) SCC 680 (National Insurance Company Limited vs. Pranay Sethi & Ors.)*** the multiplier of 17 ought to have been applied. However, learned Tribunal applied a multiplier of 18 which is at variance with the ratio laid down in the aforesaid decisions of

the Hon'ble Supreme Court. On this ground, the appellant/Insurance Company has challenged the present impugned judgment and order.

4. In his usual fairness, learned advocate appearing for the claimants/respondents submits that in terms of the ratio laid down in ***Pranay Sethi*** (supra) and ***Sarla Verma*** (supra), a multiplier of 17 ought to have been applied instead of multiplier of 18.

5. On February 4, 2018 at 20:20 hrs. victim along with other co-villagers were travelling in a Toto while going to Maa Fullara Fair. When they reached at Gopalpur More on Suri-Katwa a dumper bearing registration No.WB 53B/9541 came at a highest speed driven rashly and negligently endangering human life and dashed the victim with great force. As a result of the accident, the victim Debabrata Pal sustained severe injuries and was taken to Labpur Prathamik Sawsthya Kendra. Thereafter, he was referred to Bolpur Sub-divisional Hospital and subsequently, he died. Learned Tribunal has noted the contentions made on behalf of the applicants in the motor accident claim case that at the time of the accident the victim was aged about 26 years.

6. A police case was started. The appellant/Insurance Company entered appearance in such proceeding and contested the same.

7. Upon contested hearing of the motor accident claim proceeding, the learned Tribunal held that the alleged offending vehicle involved in the accident was covered under a valid insurance policy issued by the appellant. Accordingly, the learned Tribunal held that Insurance Company is liable to pay compensation to the claimants who were the heirs and successors of the victim.

8. However, while calculating the amount of compensation, the learned Tribunal held as follows:-

> "*Considering the above documents in regard to the age of the victim, the age of the victim, as shown in the P.M. report and voter card as 26 years is considered and taken in consideration in this case. As such, victim falls at the age group of 25 to 30 years and accordingly multiplier 18 is to be adopted here.*
>
> *In this case, the claimants claim that the deceased was a housewife. So, in this case, in absence of any cogent and reliable documentary or oral witness, salary of the deceased for the month of November, 2017 is taken into consideration. Therefore, it appears that the monthly income of the victim is at Rs.11, 176/-. The total annual income of Rs.1,34,112/- and the total deduction of personal expenses should have been 1 /3rd Rs.1,34,112 X 1/ 3 = Rs.44,704/-. Now, after the deduction the amount comes to Rs.89,408/- per annum. In this case, the multiplier is 18. So, in this case, total loss of dependency comes to Rs.89,408/- X 18*

=Rs.16,09,344/-. A sum of Rs.15,000/- is also to be added here towards funeral expenses and loss of estate is Rs.15,000/-. The parents consortium is Rs.40000/- each. Therefore, the total amount of compensation comes to Rs.16,09,344 + Rs.30,000/- + Rs.80,000/- i.e. 17,49,344/-.

The Petitioner no.1 do get an award of Rs.9,00,000/-. The petitioner no.2 will do get an award of Rs.8,49,344/-. So, considering all aspect, I am of the view that the petitioners are entitled to get an interest @ 6% per annum on the aforesaid amount of compensation from the date of filing claim application i.e. on 08.03.2018 till realization as per Section 171 of the Motor Vehicles Act. The OP-Insurance Company is liable to pay the compensation to the petitioners accordingly."

9. Similarly, the said multiplier 18 was also applied in the corrected order dated December 19, 2025.

10. In ***Sarla Verma*** (supra) the Hon'ble Supreme Court was of the view that

"42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that

is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."

11. Similarly, in ***Pranay Sethi*** (supra) the Hon'ble Supreme Court has laid down as follows:-

"42. As far as the multiplier is concerned, the claims tribunal and the Courts shall be guided by Step 2 that finds place in paragraph 19 of Sarla Verma read with paragraph 42 of the said judgment. For the sake of completeness, paragraph 42 is extracted below:

> *42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years."*

12. In the present case, learned Tribunal upon consideration of several documents including the voter card as well as Post Mortem Report held that, the victim fell within the age group of 25 to 30 years. On such basis learned Tribunal applied a multiplier of 18. However, in view of the ratio laid down in ***Pranay Sethi*** (supra) and ***Sarla Verma*** (supra), it appears that multiplier of 17 was more apt in the facts and circumstances of the case and as well as taking into consideration the age of the victim.

13. Therefore, taking into consideration the income of the victim at the time of his death as evident from the materials on record and applying the legal norms governing the field the monthly income of the victim was calculated at Rs.11,176/- per month. Adding 50% for future prospects to such income, the monthly income of the victim was calculated at Rs.16,764/- which came to Rs. 2,01,168/- per month. Deducting 50% of such income towards personal expenses of the victim, the income of the victim for the purpose of calculation of compensation was assessed at Rs.1,00,584/-. Applying the multiplier of 17 in terms of the ratio laid down in ***Pranay Sethi*** (supra) and ***Sarla Verma*** (supra), the liability of the appellant comes to Rs.17,09,928/-. Over and above such amount general damages are to be paid by the Insurance Company. Therefore, the total liability of the appellant/Insurance Company towards the claimant comes

to Rs.18,19,928/-. The learned Tribunal had awarded an interest at the rate of Rs.6 per cent per annum which I do not consider to be unfair, payable from the date of filing of the application under Section 166 of the Motor Vehicles Act.

14. On the basis of discussions made hereinabove, the impugned judgment and order is hereby modified to the extent as indicated hereinabove.

15. It is declared that the appellant/Insurance Company shall pay a sum of Rs.18,19,928/- together with interest calculated at the rate of 6 per cent per annum from the date of filing of the claim application.

16. Learned advocate for the appellant/Insurance Company submits that the entire amount awarded together with awarded interest is lying deposited to the credit of the instant appeal with learned Registrar General.

17. As indicated above, the respondents/claimants shall be entitled to sum of Rs.18.19,928/- together with interest at the rate of 6 percent per annum. Amount of compensation diminished in the instant appeal shall be paid to the claimants in the proportionate ratio. The balance amount along with accrued interest shall be returned to the appellant/Insurance Company.

18. The learned Registrar General, High Court, Calcutta is directed to disburse the aforesaid amount in the ratio as indicated above to the claimants as well as the Insurance Company within a period of six weeks from date upon due identification and verification.

19. With the aforesaid directions/observations **FMA 1064 of 2026** along with **CAN 1 of 2026** is **disposed of.**

20. Urgent certified copy of this judgment, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Md. Shabbar Rashidi, J.)

CHC