

GAHC020006712019



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)
KOHIMA BENCH**

Case No. : MACApp./12/2019

THE NATIONAL INSURANCE CO. LTD.
REPRESENTED BY THE SENIOR DIVISIONAL MANAGER, DIVISIONAL OFFICE,
DHOBINULLAH, DIMAPUR, P.O - DIMAPUR

VERSUS

IMNASENLA AND 2 ORS
W/O DECEASED ONENTIBA,
DILONG WARD, MOKOKCHUNG, P.O. - MOKOKCHUNG 2:RAJESH KR.
GUPTA

Age: 0
Occupation :

3:SAGAR TIWARI

Age: 0
Occupation

Advocate for the Petitioner : IMTI IMSONG

Advocate for the Respondent : TONGPOK PONGENER (R-1)

Linked Case : I.A.(Civil)/91/2021

IMNASENLA
Age: 43
Occupation :

Address:W/O DECEASED ONENTIBA
DILONG WARD
MOKOKCHUNG
P.O - MOKOKCHUNG

VERSUS

THE NATIONAL INSURANCE CO. LTD.

Age: 0

Occupation :

Address:REPRESENTED BY THE SENIOR DIVISIONAL MANAGER
DIVISIONAL OFFICE
DHOBINULLAH
DIMAPUR
P.O - DIMAPUR

Advocate for : TONGPOK PONGENER

Advocate for : appearing for THE NATIONAL INSURANCE CO. LTD.: Advocate
appearing for respectively.

Linked Case : I.A.(Civil)/178/2019

THE NATIONAL INSURANCE CO. LTD.

Age: 0

Occupation :

Address:REPRESENTED BY THE SENIOR DIVISIONAL MANAGER
DIVISIONAL OFFICE
DHOBINULLAH
DIMAPUR
P.O - DIMAPUR

VERSUS

IMNASENLA AND 2 ORS

Age: 0

Occupation :

Address:W/O DECEASED ONENTIBA

DILONG WARD
MOKOKCHUNG
P.O. - MOKOKCHUNG
2:RAJESH KR. GUPTA

Age: 0

Occupation :

Address:(OWNER OF THE VEHICLE NO.AS03/BC-0455)
ALONGMEN WARD
AMGURI ROAD
MOKOKCHUNG
P.O - MOKOKCHUNG

3:SAGAR TIWARI

Age: 0
Occupation :
Address:S/O K.N. TIWARI

(DRIVER OF VEHICLE NO.AS03/BC-0455)
KUMLONG WARD
MOKOKCHUNG
P.O. - MOKOKCHUNG

Advocate for : IMTI IMSONG
Advocate for : TONGPOK PONGENER (R-1) appearing for IMNASENLA AND 2
ORS: Advocate TOSHI O. LONGKUMER,

, appearing for 2,

3, respectively.

Linked Case : I.A.(Civil)/179/2019

THE NATIONAL INSURANCE CO. LTD.
Age: 0
Occupation :
Address:REPRESENTED BY THE SENIOR DIVISIONAL MANAGER
DIVISIONAL OFFICE
DHOBINULLAH
DIMAPUR
P.O - DIMAPUR

VERSUS

IMNASENLA AND 2 ORS
Age: 0
Occupation :
Address:W/O DECEASED ONENTIBA

DILONG WARD
MOKOKCHUNG
P.O. - MOKOKCHUNG

2:RAJESH KR. GUPTA

Age: 0

Occupation :

Address:(OWNER OF THE VEHICLE NO.AS03/BC-0455)

ALONGMEN WARD

AMGURI ROAD

MOKOKCHUNG

P.O - MOKOKCHUNG

3:SAGAR TIWARI

Age: 0

Occupation :

Address:S/O K.N. TIWARI

(DRIVER OF VEHICLE NO.AS03/BC-0455)

KUMLONG WARD

MOKOKCHUNG

P.O. - MOKOKCHUNG

Advocate for : IMTI IMSONG

Advocate for : TONGPOK PONGENER (R-1) appearing for IMNASENLA AND 2

ORS: Advocate TOSHI O. LONGKUMER,

, appearing for 2,

3, respectively.

**BEFORE
HON'BLE MR. JUSTICE L.S. JAMIR**

ORDER

Date : 14-03-2023

Heard Mr. Imti Imsong, learned counsel for the appellant and also heard Mr. Tongpok Pongener, learned counsel for respondent No.1/claimant and Mr. Toshi Longkumer, learned counsel for respondent No.2.

This is an appeal against the judgment and award dated 12/3/2019 passed in MAC Case No.07/2018 by the learned Member Motor Accident Claims Tribunal, Mokokchung on the ground that the learned Tribunal had wrongly applied the multiplier 16 instead of 15 while calculating the future dependency of the deceased husband of the claimant.

Mr. Tongpok Pongener, learned counsel for the respondent No.1/claimant in his usual fairness submits that he has no objection if the multiplier is reduced to 15 instead of 16 as the age of the deceased husband of the claimant is under a cloud. Therefore, without entering into merits of the case, this appeal is disposed of by directing that the multiplier should be read as 15 instead of 16.

During the pendency of this appeal, this Court directed the appellant/Insurance Company to deposit 50% of the awarded amount. The learned counsel for the appellant submits that they have deposited Rs.14,46,696/- before the Registry of this Court and which has also been withdrawn by the respondent No.1/claimant.

Accordingly, the judgment and award dated 12/3/2019 passed by the learned Member Motor Accident Claims tribunal, Mokokchung in MAC Case No.07/2018 is modified and the claimant would be entitled to compensation as under:

- (a) $15,226 \times 12 \times 15 = 27,40,680/-$ on loss of future earning
- (b) Rs.10,000/- on funeral expense,
- (c) Rs.10,000/- on loss of consortium

Total – Rs.27,60,680.

Accordingly, the appellant is directed to pay the modified compensation amount after deducting the 50% of the awarded amount that has been deposited before the Registry of this Court and which has already been withdrawn by the respondent no.1/claimant within a period of 2 (two) months from today, failing which interest @ Rs.7% per annum shall be added to the modified awarded amount with effect from the date of filing the claim petition and till final payment is made.

The statutory amount of Rs.25,000/- which has been deposited by the appellant before the Registry of this Court shall also be deducted while making the final payment and the claimant may be permitted to withdraw the said statutory amount after proper identification.

The present appeal is accordingly disposed of.

**Sd/-
JUDGE**

Comparing Assistant