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gc Ct. No. 1

Calcutta High Court
In the Circuit Bench at Jalpaiguri

FMAT 12 of 2019

Aburani Das & Ors.
-Versus-
Bajaj Allianz General Insurance Company Ltd. & Anr.

Mr. Gobinda Saha,
Mr. Milan Ch. Laskar,
....for the Appellants.

Mr. Abhijit Ray Chaudhuri,
.... for Bajaj Allianz General Insurance Co. Ltd.

Affidavit-of-service filed by the appellants in Court is kept with the record.

Assessment of Compensation produced on behalf of the appellants at the time of hearing is kept with the record.

Vakalatnama filed by the respondents in Court is kept with record.

Pursuant to our direction dated 15th July, 2019, the learned Counsel for the parties has computed the compensation required to be paid in the given case.

Learned Counsel for the appellants has produced an Assessment of Compensation claiming Rs.7,82,080/-.

Learned Counsel for the Insurance Company, however, has raised an objection with regard to the claim made in Clauses 6, 7 and 8 of the Assessment of

Compensation. The said claims are indicated below:-

6. General damages as per Pranay Setthi case is Rs.70,000/- (Rs.15,000/- for loss of estate, Rs.15,000/- for funeral expenses, Rs.40,000/- for loss of consortium)

Rs.70,000/-

7. Medical expenses granted by the Tribunal Rs.30,000/- ***Rs.30,000/-***

8. Loss of love and affection [(i) loss of son's affection towards the mother of the deceased plus (ii) loss of fatherly affection towards the minor son of the deceased] ***Rs.30,000/-***

In so far as Clause 6 is concerned, the respondent Company cannot object since the said computation is in conformity with the law laid down in ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.*** reported at ***(2017) 16 SCC 680***. The said decision is binding on us. In so far as the medical expenses and loss of love and affection are concerned, after hearing the learned Counsel for the parties, we reduce the amount to Rs.30,000/-. Accordingly, the claim stands modified to Rs.7,37,000/-. The said sum shall carry interest at the rate of 7.50% per annum simple from the date of filing of the claim petition that is 29th September, 2015 till the date of payment of the awarded amount that is Rs.4,71,500/- and, thereafter, on the remaining balance amount at the same rate till realization.

We expect the Insurance Company shall pay the aforesaid dues within a period of four weeks from date.

The appeal being FMAT 12 of 2019 stands disposed of.

(Soumen Sen, J.)

(Ravi Krishan Kapur, J.)