10.12.2020
Ct. 13
Sl. 109
Sp.

F.M.A.T. No. 642 of 2019

Asiran Bibi & Ors.
-Versus-
Tata Aig General Insurance Com. Ltd. & Anr.

Mr. Supratim Dhar,
Mr. D. Nayak
...for the claimants/appellants

Mr. Rajesh Singh
...for the respondents

By consent of parties, the appeal is treated as on day's list and is taken up for hearing.

The Department is directed to issue FMA number immediately.

The appeal is directed against a judgment and order dated December 12, 2018 passed by the Judge, Motor Accident Claim Tribunal, Fast Track, 1st Court, Tamluk passed in MACC No. 149 of 2013.

The facts of the case are not in dispute and therefore not repeated again herein. The appellants have already received the sum awarded by the Court below.

The only ground urged by the appellants/claimants is towards non-consideration of future prospects and the amount of interest ordered under Section 171 of the M.V. Act.

Admittedly, in the decision of the Hon'ble Supreme Court in the case of ***Pranay Sethi*** reported in ***(2017) 16 SCC 680*** 30% of the income is adjudged as future prospects in the event the deceased is aged between 40 and 50. The victim was aged about 42 at the time of the accident.

Therefore on the total sums of Rs. 7,84,000/-, the claimants are entitled to future prospects assessed at Rs. 2,35,200/-.

In so far as the interest is concerned, since it is a case of death, this Court is of the view that the claimants are entitled to interest on the sums awarded @ 7% per annum instead of 6%.

The insurance company shall therefore pay the claimants a further sum of Rs.2,35,200/- in the proportion between the respondents assessed by the Court below, into their respective bank accounts.

The aforesaid differential amount of Rs. 2,35,200/- together with interest @ 7% on and from the date of filing of their claim petition before the Tribunal is payable to the appellants.

The claimants shall also be entitled to interest at the rate of 7% per annum, towards the principal sum that they claim to have already received and such differential sum of interest shall also be paid to them in terms of the judgement herein if not already paid.

For the aforesaid purpose the counsel for the appellants shall communicate to the counsel for the insurance company particulars of the bank accounts of the claimants and the payment as directed herein above shall be made within a period of 45 days in receipt of such particulars.

In default of payment within 45 days as above, the rate of interest shall stand increased to 8%.

With the aforesaid observations, the appeal is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties.

(Rajasekhar Mantha, J.)