

29.07.2021

SS

(Via Video Conference)

F.M.A. 44 of 2019

Smt. Basanti Biswas & ors.

Vs.

The Oriental Insurance Co. Ltd. & anr.

Mr. Jayanta Banerjee ...For the Appellants/claimants

Ms. Sucharita Paul ... For the respondent/Insurance Co.

The above appeal has been filed by the claimants against an award dated 29th November, 2013, passed by the Learned Judge, Motor Accident Claims Tribunal, 3rd Court, Nadia, Krishnanagar, in M.A.C. Case No. 227 of 2010, on a claim under Section 163A of the Motor Vehicles Act, 1988.

The appellants submit that the Court below erroneously adopted a multiplier of 11 instead of 13, for the victim who was aged about 50 years, while assessing the quantum of compensation. It is further submitted that no interest was awarded on the compensation amount.

The insurance company is represented.

After considering the submissions as advanced by the learned advocates for the parties, the impugned award is modified and recalculated as follows:

<u>Particulars</u>	<u>Amount (Rs.)</u>
Yearly income (Rs.3,000/- p.m. x 12)	36,000.00
Less: 1/3rd for personal expenses	- <u>12,000.00</u>
	24,000.00
Multiplier of 13 to be used (x) 13	3,12,000.00
Collective heads of General Damages	<u>(+) 9,500.00</u>
	3,21,500.00
Less: Awarded amount	<u>(-) 2,73,500.00</u>
Differential amount	<u>48,000.00</u>

The claimants acknowledge receipt of the entire awarded amount of Rs.2,73,500/- minus interest. The balance amount of Rs.48,000/- would become payable to the claimants by the Insurance Company together with interest assessed @ 6 per cent per annum, from the date of filing of the claim petition within a period of 45 days from the date of receipt of the bank account particulars of the claimants. Insurance Company is also directed to pay 6% interest on the amount of Rs.2,73,500/-, awarded by the Tribunal, if not already disbursed, to be calculated from the date of lodging of the claim till the date of payment.

Learned Advocate for the claimants will forward the bank account details of the claimants within a fortnight from date to the learned Advocate for the insurance company. The payment shall be made in the proportion decided by the Court below.

With the aforesaid directions the instant appeal is disposed of.

In view of the disposal of this appeal, connected applications, if any, are also disposed of. The concerned Department is directed to tag the applications, if any, with the main appeal.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

(Shekhar B. Saraf, J.)