

28.07.2021

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(Via Video Conference)
F.M.A. 1331 of 2012

Sri Paresh Chandra Pal & anr.
Vs.
The National Insurance Company Ltd. & anr.

Mr. Amit Ranjan Roy

...For the Appellants/claimants

Mr. Parimal Kumar Pahari

... For the respondent No.1/Insurance Co.

This appeal has been filed against the judgement and order dated 18th November, 2009 passed by the Learned Judge, Motor Accident Claims Tribunal, 2nd Court, Asansol in M.A.C. Case No.29 of 2008/44 of 2007 in an application under Section 163A of the Motor Vehicles Act, 1988 for an accident that took place on November 11, 2006.

Mr. Amit Ranjan Roy, learned Counsel appearing on behalf of the appellants/claimants submits that under the wrong impression of law, the learned Tribunal assessed the compensation on the basis of the notional income of Rs.15,000/- per annum instead of Rs.3,000/- per month of the deceased.

Mr. Pahari, learned Counsel appearing on behalf of the Insurance Company submits that the award passed by the learned Tribunal is just and there is no scope of any further enhancement of the award.

Upon hearing the submission of the parties, I am of the view that the learned Tribunal should have considered the monthly income as Rs.3,000/-.

Accordingly, by accepting the monthly income as Rs.3,000/-, the award of the learned Tribunal is modified and recalculated in the following manner:

Particulars	Amount (Rs.)
Monthly Income	Rs.3,000/-
Annual Income	Rs.36,000/-
Less : 1/3 rd deduction towards Personal expenses	(-) <u>Rs.12,000/-</u>
	Rs.24,000/-
Age 41 - Multiplier '15 '	X 15
Loss of annual independency	Rs.3,60,000/-
'General Damages'	<u>Rs. 9,500/-</u>
TOTAL compensation	Rs.3,59,500/-
Tribunal awarded	(-) <u>Rs.1,59,500/-</u>
Payable	<u>Rs.2,00,000/-</u>

The claimants acknowledge receipt of a sum of Rs.1,59,500/- along with interest. Therefore, the Insurance Company is directed to pay the balance sum of Rs.2,00,000/- to the claimants together with interest @6% per annum from the date of filing of the claim application till payment within a period of 45 days from the date of receipt of the bank account particulars of the appellants.

Learned Advocate for the appellants will forward the bank account details of the appellants within a fortnight from date to the learned Advocate for the

Insurance Company. The payment shall be made in the same manner and proportion as 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.

L.C.R. be sent down to the Court below if received by this Court.

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.)