Ct. No. 26

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F.M.A. 251 of 2010

With

IA No. CAN 2/ 2017 (Old No. CAN 5560 of 2017)

With

C.A.N. 3/ 2021

(Via Video Conference)

Smt. Parbati Mandal & Anr.

Vs.

The Oriental Insurance Co. Ltd. & Anr.

Mr. Amit Ranjan Roy ...For the Appellants/Claimants

Ms. Gopa Das Mukherjee ...For the Respondent/Insurance Co.

The Instant appeal is directed against the judgment and award dated February 29, 2008 passed by the learned Judge, 2nd Court, Motor Accident Claims Tribunal, Tamluk Medinipur, in M.A.C. Case No. 171 of 2007 / M.A.C. Case No. 113 of 2007.

The claim case was filed by the appellants/claimants under Section 163A of the Motor Vehicles Act, 1988 on unfortunate death of their son at the age of 20 years. The accident took place on May 17, 2007.

Mr. Amit Ranjan Roy, learned Counsel appearing on behalf of appellants strenuously argued that the learned Tribunal passed the impugned judgment and award beyond the law. It appears from the impugned award that learned Tribunal passed the judgment and award by considering the notional income of Rs.15,000/- per annum.

According to Mr. Roy, as well as practice following by this Court the income is to be taken Rs.3,000/- per month and the learned Tribunal ought to have used multiplier of 17 in respect of age of the victim, since deceased.

Ms. Gopal Das Mukherjee, learned Counsel appearing on behalf of the respondent/Insurance Company vehemently opposed the submission of Mr. Roy.

Heard learned Counsel appearing on behalf of the parties.

After considering the rival submissions made on behalf of the parties, I am of the opinion, if the income will consider Rs.3,000/- per month of the deceased, it cannot be exorbitant. Accordingly, this Court recalculate the compensation with the monthly income of Rs.3,000/- per month by applying multiplier of 17 and the applicants are also entitled to get Rs.4,500/- as general damages. The recalculation is as follows :-

Monthly Income	=Rs. 3,000/-
Yearly Income **(3000 x 12)**	=Rs. 36,000/-
Less. 1/3rd deduction	=Rs. 12,000/-
Toward personal expenses	=Rs. 24,000/-
Using Multiplier of 17, **(Rs. 24,000 x 17)**	=Rs. 4,08,000/-
Add: **General Damages**	=Rs. 4,500/-
The award would be	=Rs. 4,12,500/-

The claimants acknowledge receipt a sum of the entire awarded amount of Rs. 2,00,000/- without any interest. Accordingly, the appellants/claimants are also entitled to get interest at the rate of 6 per cent per annum from the date of filing of the claim application till the date of deposit before the Tribunal, and the balance sum of Rs.2,12,500/- would become payable to the appellants together with interest assessed at the rate of 6 per cent per annum on and 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 appellants.

Learned Counsel for the appellants will forward the bank account details of the appellants within a fortnight from date to the learned Counsel for the Insurance Company.

The payment shall be made by the Insurance Company 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 disposal of the appeal, all connected applications, if any, are also disposed of. The concerned Department is directed to trace out the applications and tag the same with this appeal.

There shall be no order as to costs.

LCR, if any, may be returned back to the Court below.

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.)