23.03.2021
rc/ct.no.10
Item no. 71

FMA No. 149 of 2019
(FMAT 431 OF 2018)

Mr. Jayanta Kumar Mandal …for the Appellants

Ms. Sucharita Paul …for the respondent

The appellants are aggrieved by the inadequate compensation by an award dated January 15, 2018 in M.A.C. Case No. 268 of 2014 passed by the Tribunal. The claim arises under Section 166 of the Motor Vehicles Act, 1988 in respect of an accident that occurred on April 06, 2014.

It is submitted on behalf of the appellant that the income of the victim ought to be taken as Rs. 7,000/- per month. Accordingly, a lesser quantum of compensation has been erroneously awarded by the Tribunal.

The insurance company submits that there was no evidence as to the monthly income of the victim. The insurance company also submits that in such a factual scenario, the income of the victim ought to be Rs.3000/- per month on a notional basis and no more.

Having considered the submissions of the parties, I am of the view that the minimum income in 2014 ought to be taken as Rs.4000/- per month. This figure, according to me, does not appear to be an exorbitant figure. Upon taking the monthly income of the victim as Rs.4000/- and adding 25% on account of future prospects, the aggregate notional monthly income comes to Rs.5000/-. After annualising such amount and deducting 1/3rd on account of personal expenses, it is the figure of Rs. 60,000/- on which the multiplier of 13 ought to be applied. Accordingly, the net pecuniary compensation comes to Rs.5,20,000/-. Moreover, the appellants are also entitled to general damages of Rs.70,000/- on account of loss of consortium, loss of estate and funeral expenses. Thus, taking the gross compensation to be Rs.5,90,000/- together with interest thereon at the rate of 6% per annum from the date of lodging the claim till the date of receipt of the amount.

The appellants have already received the full amount awarded by the Tribunal i.e. Rs.3,12,000/- together with interest. The balance sum of Rs. 2,78,000/- would become payable to the appellants together with interest assessed at the rate of 6% 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. The Advocate for the appellants will forward the bank account details of the appellants within a fortnight from date to the Advocate for the Insurance company. The payment shall be made in the proportion decided by the Tribunal in the impugned award.

Accordingly, FMA No. 149 of 2019 stands disposed of.

There shall be, however, no order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Ravi Krishan Kapur,J)