

Ct. 09.11
No. 26 2021
7
akb

F.M.A. 57 of 2017
Lekbas @ Nekbas Sk. and Ors.
Vs.
National Insurance Co. Ltd. & Anr.

Ms. Sima Ghosh ...For the Appellants/Claimants

Mr. Rajesh Sinch
Mr. Samim Ahammad
Mr. Aniruddha Singh ...For the Respondent/Insurance Co.

This appeal is directed against the judgment and order dated May 19, 2016 passed by the learned Additional Judge Motor Accident Claims Tribunal, 4th Court, Berhampore, Murshidabad, in M.A.C. Case No. 233 of 2012 on an application under Section 163A of the Motor Vehicles Act, 1988 for the death of one 'Chandnihara Bibi' in a road accident dated 22.04.2012.

Ms. Sima Ghosh, learned Counsel appearing on behalf of the appellants submits that the income of Rs.15,000/- per annum of the victim, considered by the learned Judge was inadequate.

Per contra, learned Counsel representing the Insurance Company submits that the award passed by the learned Tribunal is absolutely just and there is no scope of enhancement of the same.

However, following the precedence of this Court on point of monthly income, I find substance in the argument of the appellants. As the claim is made under Section 163A of the Motor Vehicles Act, 1988, for the year 2012, an amount of Rs.3,000/- per month does not appear to be exorbitant. The learned Counsel for the claimants does not dispute such consideration. Accordingly, the impugned award is modified and recalculated in the manner referred

hereinafter.

Monthly Income	Rs. 3,000/-
Annual Income	Rs. 36,000/-
Less 1/3rd Personal Expenses(Rs.12,000)	Rs. 24,000/-
Multiplier '16'	Rs. 3,84,000/-
Add General Damages	Rs. 9,500/-
Total Principal Compensation	Rs. 3,93,500/-
Less : Awarded by the Tribunal And paid by the insurer	Rs. 1,69,500/-
Balance (enhancement)	Rs. 2,24,000/-

The claimants acknowledge receipt of awarded amount of Rs.1,69,500/- in terms of the direction of the learned Tribunal. Accordingly, the balance enhanced sum of Rs.2,24,000/- would become payable to the appellants by the Insurance Company together with interest @ 6% per annum on and from the date of filing of the claim application. Insurer should make the above payment within a period of 45 days from the date of receipt of the bank particulars of the appellants. Learned Advocate for the appellants shall forward the bank account in details of the appellants within a fortnight from date to the learned Advocate for the Insurance Company. The payment shall be made in the proportion as decided by the Court below and through RTGS/NEFT directly in the bank accounts of the claimants.

With the aforesaid directions the instant appeal is disposed of.

There shall be no further order as to costs.

In view of 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.

The Registry is directed to send down the lower Court records at once, if received by this time.

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.*)