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(Via Video Conference)

F.M.A. 1326 OF 2012
with
I.A. No. CAN 2 OF 2015
(Old No. CAN 1359 of 2015)

Shukla Biswas & Ors.
-Vs.-
The United India Insurance Co. & Anr.

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

Mr. Rajesh Singh
...For the Respondent/ Insurance Company

The appeal is directed against the judgment and order dated 16th April, 2011 passed by the District Judge, Motor Accident Claims Tribunal, Nadia in Motor Accident Claim Case No. 367 of 2010 on a claim under section 166 of the Motor Vehicles Act, 1988 for the death of one 32 years old 'Arindam Biswas' in a road accident on September 13, 2010.

Various points have been raised by the appellants/claimants in the instant appeal challenging the quantum of compensation.

Mr. Roy, counsel appearing on behalf of the appellants/claimants submits that the learned Judge did not grant any amount under 'future prospect'. Further, the learned Judge erred in applying the multiplier of 12 purchase factor instead of 16. He also submits that the appellants/claimants were erroneously granted only Rs. 9,500/- in place of Rs.70,000/- under the full component of 'general damages'. Lastly, Mr. Roy submits that the learned Judge erred in not granting interest on the compensation amount from the date of filing of the claim application. Accordingly, it has been argued that a lesser quantum of compensation has been wrongfully awarded by the tribunal.

Per contra, Mr. Singh counsel representing the insurance company argues that since the accident took place in the year 2010, in the facts and circumstances of the case, the awarded sum is just and reasonable and there is no further scope of enhancement of the same.

Having heard counsel appearing on behalf of the parties and considering the law as laid down in ***Smt. Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr.*** reported in ***(2009) 6 SCC 121*** and ***National Insurance Company Ltd. vs. Pranay Sethi & Ors.*** reported in ***(2017) 16 SCC 680***, I find substance in the arguments of the appellants/claimants. They are justified in praying for 50% addition on account of 'future prospect' as the deceased was working in the South Eastern Railway. Considering the age of the victim, this Court is also of the view that multiplier 16 should have been applied. This Court is also of the view that the appellants/claimants should also get Rs.70,000/- under the collective heads of ‘general damages’ and the compensation amount should carry interest from the date of filing of the claim application as it is well settled under section 171 of the Motor Vehicles Act, 1988.

Accordingly, the impugned award is modified and recalculated in the manner referred hereinafter :

Particulars	**Amount (Rs.)**
Net Annual Income =	Rs. 2,95,448/-
Less 1/3rd for personal expenses (Rs.98,483/-)	Rs.1,96,965/-
Add 50% future prospect (Rs.98,482/-)	Rs.2,95,447/-
Multiplier 16	Rs.47,27,152/-
Add General Damages	Rs.70,000/-
Total Principal Compensation	Rs.47,97,152/-
Less – awarded by the tribunal and Paid by the insurer	Rs.23,73,000/-
Balance (enhancement)	Rs.24,24,152/-

The appellants/claimants acknowledge receipt of the awarded amount of Rs.23,73,000/- along with interest in terms of the direction passed by the tribunal. Accordingly, the balance enhanced sum of Rs.24,24,152/- would become payable to the appellants by the insurance company, together with interest assessed @6% per annum on and from the date of filing of the claim application within a period of 45 days from the date of receipt of the bank account particulars of the appellants/claimants. If it is found that the appellants/claimants did not receive interest and/or received part interest on the awarded amount of Rs.23,73,000/- the insurer shall pay the differential interest on the said amount at the same rate of interest i.e. @6% per annum from the date of filing of the claim application till the date of payment.

Counsel for the appellants/claimants shall forward the bank accounts details of the appellants/claimants within a fortnight from date to the counsel for the insurance company. The payment shall be made in the proportion as decided by the tribunal.

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 department concerned 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.)