

S/L 4
27.7.2021
Court No.26
SD

FMA 540 of 2010
(Via Video Conference)

Smt. Rama Majumdar & Ors.
Vs.
The New India Assurance Co. Ltd. & Anr.

Mr. Krishanu Banik

...for the Appellants/Claimants.

Ms. Sucharita Paul

...for the Respondent/Insurance Co.

The instant appeal has been filed by the claimants against the judgment and award dated June 22, 2009, passed by the learned Judge, Motor Accident Claims Tribunal, Additional District & Sessions Judge, Fast Track Court, Durgapur, Burdwan, in M.A.C. Case No.14 of 2007/104 of 2006, on a claim under Section 163A of the Motor Vehicles Act, 1988.

The appellants submit that the Tribunal had erroneously applied a multiplier of 12, instead of 15 which should have been applied in view of second schedule under Section 163A of the Motor Vehicles Act, 1988.

Insurance Company is represented.

Accordingly, after considering the submissions as advanced by counsel appearing on behalf of the parties, the impugned award is modified and reassessed as follows:

<u>Particulars</u>	<u>Amount (Rs.)</u>
Annual income (Rs.3000/- x 12)	36,000.00
Less: 1/3 rd personal expenses	<u>(-)12,000.00</u>
	24,000.00
Multiplier of 15 to be used	<u>(x) 15</u>
	3,60,000.00
	<u>(+) 9,500.00</u>
Collective heads of General Damages	3,69,500.00
Less: Awarded amount	<u>(-) 2,97,500.00</u>
Differential amount	<u>72,000.00</u>

The claimants acknowledge receipt of the entire awarded amount of Rs.2,97,500/- along with interest. The balance amount of Rs.72,000/- would become payable to the claimants by the Insurance Company together with interest assessed @ 6 per cent per annum, 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 claimants. Advocate for the claimants will forward the bank account details of the claimants within a fortnight from date to the Advocate for the insurance company. The payment shall be made in the proportion decided by the Court below.

With the aforesaid directions, the instant appeal is disposed of.

There shall be no order as to costs.

In view of the disposal of this appeal, connected application, if any, is also disposed of.

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.)