

Ct. 12.7
No. 26 2021
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F.M.A. 25 of 2010
(Via Video Conference)
National Insurance Co. Ltd. & Anr.
Vs.
Kalidas Soren & Ors.

Mr. Parimal Kumar Pahari
Mr. Rajesh Singh ...For the Appellant/Insurance Co.
Mr. Amit Ranjan Roy ...For the Appellants/Claimants

The Instant appeal is directed against the judgment and award dated July 15, 2009 passed by the learned Judge, Motor Accident Claims Tribunal, District Judge, Birbhum, in M.A.C. Case No. 187 of 2008.

Mr. Parimal Kumar Pahari, learned Counsel appearing on behalf of the appellant/Insurance Company fairly submits that the law is not permitting the grounds of appeal and the method of calculation is perfect.

In view of the above submission of the appellant/Insurance Company, this Court dismissed the appeal of the Insurance Company on merit.

Mr. Amit Ranjan Roy, learned Counsel appearing on behalf of the claimants/respondents submits that his clients filed a cross objection, being C.O.T. No. 6 of 2010.

The main ground of cross objection is that the learned Tribunal assessed the compensation by considering the monthly income of Rs.2,000/- instead of Rs.3,200/- per month.

After considering the submissions made on behalf of the parties, I am of the view that the Tribunal ought to have assessed the monthly income of Rs.3,000/- per month and interest ought to have awarded from the date of filing of

the claim application, i.e. on October 31, 2008.

In view of the above, the impugned award is thus modified and reassessed the compensation in the following manner :-

Monthly income	Rs. 3,000/-
Yearly	Rs. 36,000/-
1/3 rd deduction on personal Expenses	Rs. 24,000/-
Multiplier 17 (24,000 X 17) (as age of the victim 25 years)	Rs.4,08,000/-
Loss of estate and funeral Expenses	Rs. 4,500/-
Total Compensation	Rs.4,12,500/-
Tribunal awarded	Rs.2,92,500/-
Amount Payable	Rs.1,20,000/-

In course of hearing, learned Counsel for the parties informed that the appellant/Insurance Company deposited the awarded sum at the time of obtaining the order of stay and in view of the order dated February 09, 2010, the claimant/respondent No. 2, mother of the victim withdrew Rs.1.50,000/- from the learned Registrar General of this Court.

Under such circumstance and in view of the above modification of the impugned award this Court granting liberty to the claimant/respondent No. 2 being the legal heir of the victim since deceased to withdraw the rest awarded sum lying with the Registrar General of this Court along with any accrued interest thereon and also directing the appellant/Insurance Company to pay the differential amount of Rs.1,20,000/- along with 6% per centum per interest to the claimant/respondent No. 2 directly to the bank account

within 45 days from the date of receipt of the Bank particulars.

Learned Counsel for the claimant/respondent No. 2 will forward the bank account details of the claimant/respondent No. 2 within a fortnight from date to the learned Counsel for the Insurance Company as well as the learned Registrar General of this Court shall transmit the awarded amount, in view of the above, to the bank account of the respondent No. 2 accordingly, within one month.

With the aforesaid observation, cross objection, being C.O.T. No. 6 of 2010 filed by the claimants / respondents is allowed by treating the same as on day's list and the instant appeal of the appellant/Insurance Company is dismissed.

In view of disposal of the appeals, connected applications, if any, are also disposed of. The concerned Department is directed to trace out the cross appeal, being C.O.T. No. 6 of 2010 as also the applications, if any, and tag with this appeal.

There shall be no further 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.)