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(via Video Conference)

FMA 244 of 2008

In the matter of: Sobhan Maity.

... appellant

Mr. Krishanu Banik

... for the appellant

Mr. Parimal Kumar Pahari,

...For the respondent/insurance company

The appeal is directed against the judgment and award dated 30th June, 2007 passed by the learned Judge, Motor Accident Claims Tribunal, Tamluk, Purba Medinipur in M.A.C Case No.232 of 2005.

The facts of the case are not in dispute.

The points raised by the appellant/claimant being victim injured are as follows:-

i) That the Tribunal did not consider the actual income of the victim injured.

ii) That the Tribunal did not assess the percentage of disability of the victim injured.

iii) That the Tribunal did not consider the future prospect of the victim injured.

iv) That the Tribunal did not grant the adequate compensation on the heads of a) medical expenses and future medical expenses b) pain and sufferings c) loss of amenities etc.

v) That the Tribunal did not grant the interest @ 6 % per annum on the just compensation from the date of filing of the claims application till the date of realization.

The respondents/ Insurance company is represented by its counsel.

Counsel for the appellant/ claimant relies on the decisions of the Hon'ble Apex Court of India in support of the above mentioned grounds. The decisions are as follows:-

i) National Insurance Company Ltd. Vs. Pranoy Sethi reported in 2017 ACJ 2700

ii) Sarala Verma & Ors. Vs. Delhi Transport Corporation & Anr. Reported in AIR 2009 SC 3164

iii) R.D. Hathangadi Vs. Pest Control (India) Pvt. Ltd. Reported in AIR 1995 SC 755

Taking the monthly income of the victim injured as Rs.2,500/- and considering the future prospect of the victim injured at 40% and applying the multiplier of 18 and taking the 50 % permanent disability i.e. 50 % loss of income and adding medical expenses and on the head of pain and suffering as Rs.1,00,000/- the total compensation comes to Rs.4,78,000/-. The victim injured acknowledges the receipt of the Tribunal's award of Rs.2,61,614/- and therefore after deducting the said awarded amount, the enhanced compensation would come as Rs.2,16,359/-. The respondent Insurance Company would pay the said enhanced compensation together with 6 % interest per annum from the date of lodging of the claim application till the date of realization. The respondent/ Insurance Company would pay the said enhanced compensation to the bank account of the victim injured directly through electronic process like NEFT/ RTGS within a period of 45 days from the date of receipt of the bank particulars of the appellant/ claimant as furnished/ forwarded by Counsel for the appellant to the respondent/ Insurance Company or its Counsel.

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 applications, 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.)