

29.07.2021

SS

(Via Video Conference)
F.M.A. 2783 of 2016
I.A. CAN 1 of 2013 (old No. CAN 6872 of 2013)

National Insurance Co. Ltd.
Vs.
Smt. Anowara Bibi & ors.

Mr. Afroz Alam

...For the Appellants/Insurance Co.

Mr. Krishanu Banik

... For the respondents/claimants

The appeal is directed against the judgement and award dated 15th day of March, 2013 passed by the learned Judge, Motor Accident Claims Tribunal, Fast Track 2nd Court, Raiganj, Uttar Dinajpur in M.A.C. Case No.28 of 2011 on a claim under Section 163A of the Motor Vehicles Act, 1988.

That the main ground canvassed by the appellant/ Insurance Company in the present appeal is that the learned Tribunal was wrong in deducting 1/3rd amount instead and in place of 1/2 amount on account of personal living expenses.

The respondents/claimants are represented by their learned counsel and per contra, he submits that since the instant appeal is under Section 163A of the Motor Vehicles Act, 1988 (as amended upto date) the deduction would be 1/3rd amount instead and in place of 1/2 amount on account of personal living expenses.

That the impugned award is modified as follows :

Particulars	Amount (Rs.)
Monthly income	Rs. 3,000/-
Annual Income (3000/- X 12)	Rs.36,000/-
Less Personal Expenses 1/3 (Rs.36,000 – Rs.12,000)	Rs.24,000/-
Multiplier 16 (Rs.24,000 X 16)	Rs.3,84,000/-
General Damages	Rs.4,500/-
Total	Rs.3,88,500/-

Learned Advocate for the appellant/Insurance Company submits that his client, National Insurance Company Ltd., had deposited the statutory amount of Rs.25,000/- with the learned Registrar General of this Hon'ble Court.

The appellant/Insurance Company is, therefore, directed to make the payment of Rs.3,88,500/- together with interest @ 6% per annum from the date of filing of the claim application till payment to the claimants in the same manner and proportion as per award within 45 days from the receipt of the particulars of their bank accounts details which shall be supplied by their Counsel to the appellant/Insurance Company.

Learned Registrar General of this Hon'ble Court is directed to refund the deposited statutory amount of Rs.25,000/- along with accrued interest, if any, to the appellant/ Insurance Company after making the payment of compensation to the respondents/claimants.

With the aforesaid direction, the instant appeal shall stand disposed of.

In view of the 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.

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.

(Shekhar B. Saraf, J.)