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(Via Video Conference)

F.M.A. 831 of 2018

Smt. Chhabi Bagdi & Ors.
Vs.
National Insurance Company Ltd. & Anr.

Mr. Jayanta Kumar Mondal

...For the Appellants/
Claimants

Mr. Samim ahammed
Mr. Aniruddha Singh.

...For the Respondent/
Insurance Company

This appeal is directed against an award dated August 30, 2017 passed by the learned Additional District Judge cum Motor Accident Claims Tribunal, Redesignated Court, Bankura in M.A.C. case no. 05 of 2017/ 31 of 2016 in a claim under section 166 of the Motor Vehicles Act, 1988 for the death of one 'Vivekannda Bagdi' in a vehicular accident dated February 21, 2016.

Various points have been raised by the claimants/appellants in the instant appeal challenging the quantum of compensation. It is submitted on behalf of the claimants/appellants that the assessment of the monthly income of Rs.3,000/- of the deceased was on lower side. It is further pleaded that the tribunal has erred in law in not considering the 'future prospect' of the deceased. Lastly, claimants/appellants also submitted that the tribunal was wrong in applying multiplier of '13' instead of '14'. Accordingly, it was argued that a lesser quantum of compensation ha been wrongfully awarded by the tribunal.

Per contra, learned advocate representing the insurance company argues that in the facts and circumstances of the case, the award is just and reasonable and there is no further scope of enhancement of the same.

Considering the judgements of ***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 claimants/appellants. For the year 2016, in a claim under section 166 of the Motor Vehicles Act, 1988, an amount of Rs. 5,000/- per month does not appear to be exorbitant. Appellants are justified in praying for 25% addition on account of 'future prospect' on the income of the deceased. The deceased being 45 years old, the appropriate multiplier of '14' should have been applied in the instant case. The amount under ''general damages' should be restricted to Rs.70,000/- only.

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

Particulars	**Amount (Rs.)**
Monthly Income	Rs.5,000/-
Annual Income	Rs.60,000/
Add 25% future prospect (Rs.15,000/-)	Rs.75,000/-
Less 1/4th for personal expenses (Rs.18,750/-)	Rs.56,250/-
Multiplier '14'	Rs.7,87,500/-
Add 'General Damages'	Rs.70,000/-
TOTAL Principal Compensation	Rs.8,57,500/-
LESS – awarded by Tribunal and paid by insurer	Rs.4,26,000/-
BALANCE (enhancement)	Rs.4,31,500/-

The claimants/appellants acknowledge receipt of the awarded amount of Rs.4,26,000/- with interest, in terms of direction of the tribunal. Accordingly, the balance enhanced sum of Rs.4,31,500/- would become payable to the appellants by the insurance company with interest assessed at the rate of 6% 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/appellants.

Learned advocate for the claimants/appellants will forward the bank account details of the appellants within a fortnight from date to the learned advocate for the Insurance Company. The payment shall be made to the claimants' bank accounts directly, in the manner and proportion decided by the Court below.

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.)