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(Via Video Conference)

F.M.A.T 36 OF 2017
with
I.A. No. CAN 1 OF 2021

Nursama Bibi & Ors.

Vs.

Oriental Insurance Company Ltd. & Ors.

Mr. Muktakesh Das

...For the Appellants/
Claimants.

Ms. Gopa Das Mukherjee

...For the Respondent/
Insurance Co. Ltd.

I.A. No. CAN 1 OF 2021

This is an application for condonation of delay in filing the instant appeal.

On perusal of the pleadings, this Court is satisfied that cause shown for delay in filing of the appeal is sufficient and prayer for condonation of delay should be allowed.

Accordingly, the application for condonation of delay being CAN 1 of 2021 stands allowed.

The application for condonation of delay is disposed of.

F.M.A.T 36 OF 2017

The instant appeal is directed against the judgement and order dated 7th April 2014 passed by the learned District & Sessions Judge, 2nd Court, Nadia at Krishnanagar in the Motor Accident Claims Tribunal and

the said order and judgement was corrected on 30th May, 2016 by the said MAC Tribunal in M.A.C. Case No. 45 of 2010 in a claim under Section 163A of Motor Vehicles Act, 1988 for the death of one “Jamal Sk.” in a road accident dated 28.01.2010.

The appeal has been preferred by the claimants/appellants primarily on the ground that the tribunal has erred in computing the compensation and the awarded interest which has not been deposited by the respondent/Insurance Company.

Various points have been raised by the appellants/claimants in the instant appeal challenging the quantum of compensation. It is submitted on behalf of the appellants/claimants that the monthly income of Rs.3,000/- of the deceased as considered by the learned Judge was inadequate. Accordingly, it was argued that a lesser quantum of compensation has been wrongfully awarded by the tribunal.

Per contra, learned Advocate representing the Insurance Company argues that the award is just and reasonable and there is no further scope of enhancement of the same.

Accordingly, after considering the submissions as advanced by advocate appearing on behalf of the parties, the impugned award is upheld and only the rate of interest is modified from 8% per annum to 6% per annum.

The appellants/claimants acknowledge receipt of the entire awarded amount of Rs.4,17,500/-. The balance interest amount on the awarded amount of Rs.4,17,500/- @ 6% per annum from the date of filing of the claim application till the deposit of the awarded amount in the tribunal would become payable to the appellants/claimants within a period of 45 days from the date of receipt of the bank accounts' particulars of the claimants. Advocate for appellants/claimants will forward the bank accounts' details of the appellants/claimants within a fortnight from date to the advocate for the Insurance Company. The payment shall be made in the proportion as decided by the court below.

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

There shall be no order as to cost.

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.)
