

Ct. 24.6
No. 26
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akb
2021

F.M.A. 690 of 2008

(Via Video Conference)

Buli Devi & Ors.

Vs.

The Oriental Insurance Co. Ltd. & Anr.

Mr. Krishanu Banik

...For the Appellants/Claimants

Ms. Sucharita Paul

...For the Respondent/Insurance Co.

The above appeal has been filed by the claimants, being the parents of the victim, against the judgment and award dated August 28, 2007, passed by the learned Judge, Motor Accident Claims Tribunal, 2nd Court, Burdwan, in M.A.C. Case No. 51/70 of 2007.

The victim was working as a driver of a lorry. It is submitted on behalf of the appellants that the income of the victim should have been taken to be Rs. 3,000/- per month instead of Rs. 2,100/-. The appellants further state that, the learned court below erred in adopting an erroneous multiplier of 11 instead of 17.

The insurance company is represented.

It is now accepted in this Court for some time that up to 2010, the base income has to be taken as Rs.3,000/- per month. Accordingly, on such basis and considering the submissions as advanced by the learned Advocates for the parties and after perusing the record, in my opinion, the monthly income of the victim should be taken as Rs. 3,000/- and the multiplier of 17 is required to be adopted.

The impugned award is thus modified and the claimants are found entitled to a total amount of Rs.4,12,500/- together with interest thereon at the rate of 6% per annum from the date of lodging the claim till the receipt

of payment as indicated more fully hereafter.

Taking the monthly income of the victim to be Rs. 3,000/- and after annualising such amount and deducting 1/3rd on account of personal expenses, it is the figure of Rs.24,000/- on which the multiplier of 17 will have to be applied. The net pecuniary compensation comes to Rs.4,08,000/-. The appellants are also entitled to general damages of Rs.4,500/- on account of loss of estate and funeral expenses, taking the gross compensation to Rs.4,12,500/- together with interest thereon at the rate of 6% per annum from the date of lodging the claim till the date of receipt of the amount.

The claimants acknowledge receipt of a sum of the entire awarded amount along with interest. The balance sum of Rs.2,23,200/- would become payable to the appellants together with interest assessed at the rate of 6 per cent per annum on and 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 appellants. Advocate for the Appellants will forward the bank account details of the appellants within a fortnight from date to Advocate for the insurance company. The payment shall be made in the same manner and proportion as decided by the Court below and as per the substitution carried out by this Court.

With the aforesaid directions the instant appeal is disposed of.

There will be no order as to costs.

LCR, if any may be returned back to the Court below.

Urgent photostat copy of the order, if applied for, be supplied to the petitioner on priority basis on compliance of necessary formalities.

(*Shekhar B. Saraf, J.*)