33 AGM RKB Ct 07 — 29.11.2021

FMAT 82 of 2020
With

CAN 1 OF 2020 (Old No. 1629 of 2020)

Subhedu Pattadar & Ors
Versus
The National Insurance Company & Anr.

(Via Video conference)

Mr. Amit Ranjan Roy … For the Appellants.

Mr. Deb Narayan Ray.
… For the Respondent No.1.

CAN No. 1629 of 2020

As per Stamp Reporter's report, there has been a delay of 141 days in preferring the appeal.

Learned advocate for the appellants/claimant has already filed an application being CAN No. 1629 of 2020 for condonation of delay. The said application, though listed, is not available in the record.

Learned advocate for the respondent/ insurance company submits that he has already been served with the CAN application. Copy of the CAN application is produced by the learned advocate for the appellants/claimant, which is taken on record.

The delay has been explained in the relevant averments of the pleadings, revealing thereby that the appellants were prevented by sufficient causes from preferring the appeal within the period of limitation.

Learned advocate for the insurance company/respondent submits that there is huge delay caused in preferring the appeal, which must be taken in view, while making consideration of the prayer for condonation of delay.

Having regard to the submission of both the parties, and bearing in mind the explanation of delay already offered in the pleadings, the delay stands condoned.

The application being CAN 1629 of 2020 accordingly stands disposed of.

Department is directed to trace out the relevant CAN application, so as to tag the same with the instant case record.

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Learned advocate for both the parties are ad idem on the issue that the case may be disposed of expeditiously ignoring the technicalities involved in the process.

It is submitted by the learned advocate for the appellants/claimant that all the relevant documents necessary for the adjudication of the appeal are available with him, and the same is produced in Court in the interest of ensuring expeditious hearing of this appeal, which is not resisted by the learned advocate for the respondent.

When both the parties are agreeable to ensure expeditious hearing of the appeal, the court should not stand in the way.

Furnish relevant FMA particulars upon registering the same.

A very short point involved in this appeal is that the Tribunal has not granted any interest, while deciding the award, and as such the award has been inadequately assessed, which can hardly be regarded to be just, proper and perfect.

Learned advocate for the insurance company/respondent submits that the learned Tribunal has considered the entire aspect of this case, and there lies no scope for any interference by this court, and accordingly has proposed for dismissal of this appeal.

No other point is raised requiring any adjudication.

The instant appeal is against the judgment and award passed by the Motor Accident Claim Tribunal/1st Court, Krishnagar Nadia/learned Judge, Motor Accident Claims Tribunal, 1st Court Krishnagar Nadia in MAC Case No. 228 of 2015, granting award to the tune of Rs. 3 lakh to the claimant for a vehicular accident, held on 12th June, 2015, by reason of involvement of vehicle bearing No. WB-52X/8374 resulting in some serious injury on the part of injured claimant.

Having considered the submissions of both the sides and bearing in mind the settled proposition of law, and the precedent observed by this Court, it appears that there is strong force in the submission advanced by the learned advocate for the appellants.

Learned court below ought to have granted interest, while deciding the award and thus for not granting interest to the award already decided, there has been inadequate quantification of the award, which needs modification so as to make the award proper, perfect and just.

The respondent/insurance company is directed to pay interest at the rate of 6% per annum to the awarded sum, from the date of filing claim application till the actual payment of interest component to appellants/claimants.

Learned advocate for the appellants is directed to furnish the bank particulars of the claimants/appellants to learned advocate for the respondent/insurance company within 15 days, and upon receipt of the same, the insurance company/respondent shall disburse the amount, as regards the interest component, in the light as stated hereinabove within 45 days thereafter to the claimant's account directly either by NEFT/RTGS.

With the aforesaid directions, the appeal stands disposed of. In view of the above disposal, connected applications, if any, are also disposed of.

There will be no orders as to costs.

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

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of all formalities, on priority basis.

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(Subhasis Dasgupta, J)