S/L 10
30.6.2021
Court No.26
SD

FMA 651 of 2016
With
CAN 1 of 2017
(Old CAN 10468 of 2017)
(Via Video Conference)

Simitary Devi @ Shreemati Nunia & Ors.
Vs.
The National Insurance Co. Ltd. & Anr.

Mr. Amit Ranjan Roy
... for the Appellants/Claimants.
Mr. Sanjay Paul
... for the Respondents/Insurance Co.

This appeal has been filed by the appellants/claimants against the judgment and award dated July 28, 2015 passed by the learned Judge, Motor Accident Claims Tribunal, 2nd Court, Asansol in M.A.C. Case No.124 of 2010.

The facts of the case are not in dispute.

Counsel appearing on behalf of the appellants/claimants submit that the Tribunal committed error in law while not granting 15% additional income towards future prospect since the deceased was 52 years old and was engaged in permanent job under E.C.L.

Counsel for the appellants further submit that the Tribunal also committed error in law while granting Rs.9,500/ instead of Rs.70,000/ towards general damages under different heads.

In support of such submissions, counsel for the appellants relied upon the judgments of Hon'ble Apex Court reported in ***(2009) 6 SCC 121 (Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.,)*** and ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.*** reported in ***(2017) 16 SCC 680***.

The Learned Advocate for the respondent insurance company submits that the award passed by the Learned is just and reasonable and there is no scope of any interference and/or modification of the award.

Be that as it may, considering the rival submissions of the parties as well as judgment of Hon'ble Apex Court as well as general practice of our High Court, above award passed by the Tribunal below is modified and recalculated as follows:

Annual income	Rs.1,68,000/-
Future prospect 15%	Rs.25,200/-
Total income	Rs.1,93,200/-
Less personal expenses (1/3rd)	Rs. 64,400/-
Annual loss of dependency	Rs. 1,28,800/-
Multiplier 11 (Rs. 1,28,800/ x 11)	Rs. 14,16,800/-
General Damages	Rs 70,000/-
Total compensation =	Rs.14,86,800/-

Counsel for the appellants acknowledges that his clients have received the entire awarded amount of Rs.12,41,500/ together with interest from the insurance company. Therefore, the balance sum of Rs.2,45,300/- would become payable to the appellants together with interest @6% per annum on and from the date of filing of the claim petition.

Counsel appearing on behalf of the appellants/claimants shall forward the bank account details of the appellants/claimants to the Insurance Company within a period of two weeks from date.

The Insurance Company is directed to pay Rs.2,45,300/- together with interest @6% per annum on and from date of filing of the claim application to the appellants'/claimants' bank accounts directly within a period of four weeks from date, in the same manner and proportion as decided by the Tribunal.

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

There shall be no order as to costs.

In view of the disposal of this appeal, connected application, if any, is also disposed of.

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.)