06.07.2021
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F.M.A. 21 of 2021

(Via Video Conference)

Supriya Hazra & anr.
Vs.
The National Insurance Co. Ltd. & anr.

Mr. Subhankar Mandal
...For the Appellants/claimants

Mr. Afroze Alam
... For the respondent No.1/Insurance Co.

The appeal is directed against the award and/or judgment dated September 13, 2019 passed by the Learned Judge, Motor Accident Claims Tribunal, 1st Court, Howrah in M.A.C. Case No. 264 of 2017

The facts of the case are not in dispute.

The claim was filed under Section 166 of the M. V. Act, 1988. The Learned Advocate for the appellants/ claimants submits that the Learned Tribunal committed error in law while Learned Tribunal committed error in law by applying multiplier 14 considering age of the mother but fact remains that at the time of accident the deceased was 18 years old and as per settled law in various judgement of Apex Court, the appropriate multiplier is 18.

The Learned Tribunal also committed error in law while assessing compensation 40 % of income amount not considered as future prospect. Further the Learned Tribunal also committed error in law while assessing compensation considered income of Rs.3,000/ per month. As per recent practice of this court it should be Rs.5,000/ per month considering accident date in the year of 2015.

In turn the Learned Advocate for the respondent insurance company submits that the award passed by the Learned Tribunal is absolutely just and there is no scope of any further enhancement 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:

Particulars	Amount (Rs.)
Monthly Income	5,000/
Annual Income (x 12)	60,000/
Add future prospects 40 %	24,000/
Total income	84,000/
Less 1/23rd deduction towards personal expenses	42,000/
Loss of annual dependency	42,000/
Multiplier 18	7,56,000/
General damages	30,000/
Add medical expenses	49,904/
Total	8,35.904/

Since the entire amount of Rs.4,15,904/ together with interest that has been awarded by the court below has been paid by the insurance company, the differential amount which comes to Rs.4,20,000/ together with 6% interest from date of claim application till payment which shall be paid to the claimants in the same manner as indicated in the award within 30 days of receipt of particulars of their bank accounts to be supplied by his counsel to the counsel for the insurance company.

It is made clear that the payments shall be made by NEFT/ RTGS in the proportion as ordered by the Court below.

With the aforesaid directions, the instant appeal bearing F.M.A.21 of 2021 shall stand disposed of.

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.

(Shekhar B. Saraf, J.)