

(Via Video Conference)

F.M.A.T. 74 OF 2021

Jinnat Sk.

Vs.

United India Insurance Co. Ltd. & Anr.

Mr. Muktakesh Das

...For the Appellant/
Claimant.

Mr. P. K. Pahari

...For the Respondent/
Insurance Company.

The instant appeal is directed against the judgement and order dated December 23, 2019 passed by the Motor Accident Claims Tribunal, 4th Court, Krishnagar, Nadia in M.A.C. Case No. 382 of 2010 in a claim under Section 166 of the Motor Vehicles Act, 1988 for the 90% permanent disability suffered (mentally) by one 'Halima Khatun' aged about 10 years old in a road accident on 18.7.2009.

Various points have been raised by the appellant/claimant in the instant appeal challenging the quantum of compensation. It is submitted on behalf of the appellant/claimant that her monthly income of Rs.3000/- has not been considered by the learned Judge.

Mr. Muktakesh Das, counsel appearing for the appellant/claimant submits that the claimant suffered permanent disability up to 90%. He further submits that the tribunal committed an error in law by not granting

the amount for pain, suffering and medical expenses, and also for loss of amenities of life, future medical expenses attendant charges, loss of marriage prospect.

Considering the judgements of **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, reported in **(2009) 6 SCC 121** and **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, reported in **(2017) 16 SCC 680**, I find substance in the arguments of the claimant/appellant.

Accordingly, the impugned award is modified and recalculated in the manner referred hereinafter.

Particulars	Amount (Rs.)
Monthly Income	Rs.3,000/-
Annual Income	Rs.36,000/-
Annual loss of dependency	Rs.36,000/-
Multiplier '15'	Rs.5,40,000/-
Permanent disability 90%	Rs.4,86,000/-
Add Non Pecuniary compensation	Rs.1,00,000/-
Loss of amenities	Rs.1,00,000/-
Future Medical Expenses	Rs.50,000/-
Attendant charges	Rs.50,000/-
Loss of Marriage Prospect	Rs.1,00,000/-
Add Medical Charge	Rs.50,000/-
TOTAL Principal Compensation	Rs.9,36,000/-
LESS – awarded by Tribunal and paid by insurer	<u>Rs.1,44,050/-</u>
BALANCE (enhancement)	<u>Rs.7,91,950/-</u>

The claimants/appellants acknowledge receipt of the awarded amount of Rs.1,44,050/- with interest, in terms of the direction of the tribunal. Accordingly, the balance enhanced sum of Rs.7,91,950/- would become payable to the appellant by the insurance company with interest assessed at the rate of 6% per annum 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 claimant/appellant.

Counsel for the claimant/appellant will forward the bank account details of the claimant/appellant within a period of fortnight from date to the counsel for the Insurance Company. The payment shall be made to the claimant's/appellant's bank account directly.

With the aforesaid direction the instant appeal is disposed of.

In view of the disposal of this appeal, connected applications, if any, are also disposed of. The department concerned is directed to tag the applications, if any, with the main appeal.

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, on priority basis.

(Shekhar B. Saraf, J.)