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(Via Video Conference)

F.M.A 206 of 2021
with
I.A. No. CAN 1 of 2021
(Application is not tagged with file)

Aparna Nath & Anr.
Vs.
The New India Assurance Company Limited,
Barasat Branch & Anr.

Mr. Amit Ranjan Roy

...For the Appellants/
Claimants

Ms. Sucharita Paul

...For the Respondent/
Assurance Co.

The above appeal has been filed by the claimants, being the parents of the victim, against an award dated 19.02.2020, passed by the Learned Judge, Motor Accident Claims Tribunal, 3rd Court, Krishnagar, Nadia, in M.A.C. Case No. 59 of 2017, on a claim under Section 163A of the Motor Vehicles Act, 1988, for an accident which took place on January 15, 2017.

The 16 years old victim was a bachelor. It is submitted on behalf of the appellants that the Court below erroneously deducted 1/2 on account of personal expenses instead of 1/3rd as provided under section 163A of the Motor Vehicles Act, 1988.

The insurance company is represented and argues that the amount under the collective heads of

general damages should have been restrained to Rs. 4,500/-. The learned Court below had wrongly awarded a total sum of Rs. 15,000/- on such heads. After considering the submissions as advanced by the learned advocates for the parties, the impugned award is modified and reassessed. Taking the notional 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 16 will have to be applied. The net pecuniary compensation comes to Rs. 3,84,000/-. 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. 3,88,500/- 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 the entire awarded amount of Rs. 3,03,000/- along with interest. The balance sum of Rs. 85,500/- would become payable to the appellants by the insurance company 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 particular of the appellants. Advocate for the Appellants will forward the bank account detail of the appellants within a fortnight from date to Advocate for the insurance company. The payment shall be made in the proportion decided by the Court below.

With the aforesaid directions the instant appeal is disposed of.

In view of the disposal of this appeal, connected applications, if any, are also disposed of. The concerned Department 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.)