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FMAT 154 of 2017
CAN 1 of 2017 (Old CAN 2294 of 2017)

In re : Smt. Shephali Jana & Ors. … appellants

Mr. Amit Ranjan Roy
…..for the appellant
Ms. Sucharita Paul
…..for the respondent no. 2
Mr. S Bhowmick
…..for the respondent no. 1

This appeal has arisen from an award dated 30th November 2016 passed by the Additional District & Sessions Judge, 2nd Court, Tamluk, Purba Medinipur in MACC case no. 13 of 2015 (287 of 2013) under section 166 of the Motor Vehicles Act 1988. Several grounds have been taken by the appellants/claimants herein.

One of the grounds urged assailing the impugned order is that the Tribunal failed to provide for future prospect and awarded an amount on account of general damages.

The insurance company is represented.

It is fairly submitted on behalf of the insurance company that in view of the decisions reported in ***(2009) 6 SCC 121 (Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.)*** and ***(2017) 16 SCC 680 (National Insurance Company Ltd. Vs. Pranay Sethi & Ors***.), there is little scope to resist the appeal.

It is also submitted on behalf of the insurance company that the Tribunal erred in applying the multiplier of 18 when the appropriate multiplier ought to have been 17. The appellants accept such position.

Accordingly, the appellants are found entitled to a gross amount of Rs. 4,15,800/- to be equally divided between the two insurance companies respectively.

The aforesaid amount will carry an interest rate of 6% p.a from the date of filing of claim case till the date of payment.

It is made clear that the interest will be paid only on the enhanced amount as directed above. It is also recorded that claimants have received the awarded amount and have no grievance in respect of the same.

The aforesaid payment should be made by both the insurance companies directly to the bank account of the appellants by 15th April 2021. The bank account details of the appellants should be forwarded by the Advocate for the appellants to the Advocate of the insurance companies within a fortnight from date.

With the aforesaid directions, FMAT 154 of 2017 is disposed of without any order as to costs.

In view of the disposal of the appeal itself, the connected application being CAN 2294 of 2017 also stands disposed of.

Urgent certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Ravi Krishan Kapur, J.)