

(Via Video Conference)

F.M.A.T 107 OF 2016

Rijia Bibi Sekh & Ors.

Vs.

Neherul Khadim & Anr.

Mr. Muktakesh Das

...For the Appellants/
Claimants.

Ms. Gopa Das Mukherjee

...For the Respondent/
Insurance Co. Ltd.

The instant appeal is directed against the judgement and order dated 29th November 2014 passed by the learned Motor Accident Claims Tribunal, District Judge, Nadia in M.A.C. Case No. 339 of 2012 in a claim under Section 163A of the Motor Vehicles Act, 1988 for the death of one "Sahid Sk." in a road accident dated 28.06.2012.

The appeal has been preferred by the claimants/appellants primarily on the ground that the tribunal has erred in computing the compensation and the awarded interest which has not been deposited by the respondent/Insurance Company.

Various points have been raised by the appellants/claimants in the instant appeal challenging the quantum of compensation. It is submitted on behalf of the appellants/claimants that the monthly income of the deceased as considered by the learned Judge was

inadequate. Accordingly, it was argued that a lesser quantum of compensation has been wrongfully awarded by the tribunal.

Per contra, learned Advocate representing the Insurance Company argues that the award is just and reasonable and there is no further scope of enhancement of the same. It is also argued that the rate of interest on the awarded amount is on the higher side and may be reduced to 6% per annum.

Accordingly, after considering the submissions as advanced by the counsel appearing on behalf of the parties, the impugned award is upheld and only the rate of interest is modified from 9% per annum to 6% per annum.

The appellants/claimants acknowledge receipt of the entire awarded amount of Rs.3,22,000/-. The balance interest amount on the awarded amount of Rs.3,22,000/- @ 6% per annum from the date of filing of the claim application till deposit of the awarded amount before the tribunal would become payable to the appellants/claimants within a period of 45 days from the date of receipt of the bank accounts' particulars of the claimants. Advocate for appellants/claimants will forward the bank accounts' details of the appellants/claimants within a fortnight from date to the advocate for the Insurance Company. The payment shall be made in the proportion as decided by the court below.

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

There shall be no order as to cost.

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.)