

Ct. 07.7
No. 26 2021
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F.M.A.T. 191 of 2018
With
IA No. CAN 1/ 2018 (Old No. CAN 6114 of 2018)
(Via Video Conference)
Lilufa Bibi & Ors.
Vs.
Shriram General Insurance Co. Ltd. & Anr.

Mr. Amit Ranjan Roy ...For the Appellants/Claimants

Mr. Rajesh Singh ...For the Respondent/Insurance Co.

On the oral prayer of the learned Counsel appearing on behalf of the appellants/claimants, the delay in filing the appeal is condoned. No serious objection has been raised by Mr. Rajesh Singh, learned Counsel appearing on behalf of the respondents/Insurance Company.

The application for condonation of delay is disposed of.

The appeal is directed against the judgment and award dated September 01, 2017 passed by the learned Judge, Motor Accident Claims Tribunal and Additional District & Sessions Judge, 9th Court, Alipore, in M.A.C. Case No. 03 of 2015.

Various points have been raised by the claimants in the instant appeal challenging the quantum of compensation. It is submitted on behalf of the appellants that the monthly income of Rs.3,000/- per month of the victim, considered for by the learned Judge was inadequate. Furthermore, the claimants were not granted any amount under 'future prospect'. Lastly, claimants pleaded that considering the 26 years of age of the deceased, the correct multiplier should have been 18, instead of 17 as applied by the Tribunal. Accordingly, it was argued that a lesser

quantum of compensation has been wrongfully awarded by the Tribunal.

Learned Counsel for the Insurance Company is represented.

Considering the judgements of the Hon'ble Supreme Court in the cases of *Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.*, reported in (2009) 6 SCC 121 and *National Insurance Company Ltd. Vs. Pranany Sethi & Ors.*, reported in (2017) 16 SCC 680 and also following the precedence of this Court on the point of monthly income, I find substance in the arguments of the appellants. For the year 2013, in a claim under section 166 of the Motor Vehicles Act, 1988, an amount of Rs.4,000/- per month does not appear to be exorbitant. Appellants are justified in praying for 40% addition on account of 'future prospect' on the income of the deceased. The multiplier should also be of 18 purchase factor. Accordingly, the impugned award is modified and recalculated in the manner referred hereinafter.

The income of the victim being Rs.4,000/- per month, upon annualizing, comes to Rs.48,000/-. The addition of 40% 'future prospect' brings it to Rs.67,200/-. For 'personal expenses', $\frac{1}{3}^{\text{rd}}$ is deducted and then it is the amount of Rs.44,800/- on which the multiplier of 18 is applied to reach the net pecuniary compensation of Rs.8,06,400/-. Claimants are also entitled to Rs.70,000/- on account of collective heads of general damages, taking the gross compensation to Rs.8,76,400/- 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 a sum of the

entire awarded amount of Rs.6,33,000/- along with interest. Accordingly, the balance enhanced sum of Rs.2,43,400/- 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 particulars of the appellants.

Learned Counsel for the appellants will forward the bank account details of the appellants within a fortnight from date to the learned Counsel for the Insurance Company.

The payment shall be made by the Insurance Company in the same manner and proportion as decided by the Court below.

With the aforesaid directions the instant appeal is disposed of.

In view of disposal of the appeal, connected application, if any, is also disposed of. The concerned Department is directed to trace out the application and tag the same with this appeal.

There shall be no order as to costs.

LCR, if any, may be returned back to the Court below.

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.)