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(Via Video Conference)

F.M.A.T 366 OF 2018
with
I.A. No. CAN 1 OF 2019
(Old No. CAN 5123 of 2019)

Sabita Rani Mondal Das & Anr.
-Vs.-
Shriram General Insurance Co. Ltd. & Anr.

Mr. Saidur Rahaman
...For the Appellants/
Claimants.

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

CAN No. 5123 of 2019

This is an application for condoning the delay in filing the appeal. On perusal of the pleadings, this Court is satisfied that cause shown for delay in filing of the appeal is sufficient and prayer for condonation of delay should be allowed. Accordingly, the application for condonation of delay stands allowed.

F.M.A.T. 366 of 2018

The appeal is directed against the judgment and order dated 30th day of October, 2017 passed by the learned Judge Motor Accident Claims Tribunal, District Judge, Dakshin Dinajpur at Balurghat in M.A.C. case no. 5 of 2014 on a claim under section 166 of the Motor Vehicles Act, 1988 for the death of a bachelor, namely

'Parimal Mondal' in a road accident dated November 5, 2013.

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 learned Judge erred in applying the multiplier of '13' purchase factor. Further, the claimants were not granted any amount under 'future prospect'. Counsel for the appellants/claimants also submits that the appellants/claimants were erroneously given only Rs.4,500/- instead of Rs.30,000/- under the full component of 'general damages'. Lastly, claimants plead that the Ld. Judge erred in not granting 'interest' on the compensation amount from the date of filing of claim application. Accordingly, it was argued that a lesser quantum of compensation has been wrongfully awarded by the tribunal.

Per contra, the counsel representing the insurance company argues that in the facts and circumstances of the case, the award is just and reasonable and there is no further scope of enhancement of the same.

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 appellants/claimants. Appellants/claimants are justified in praying for 40% addition on account of 'future prospect'. The deceased was 28 years old, therefore appropriate multiplier of '17' should have been applied. The appellants/claimants should also get Rs.30,000/- under collective heads of general damages and it is now well settled that the compensation amount should carry interest from the date of filing of claim application.

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

Particulars	**Amount (Rs.)**
Monthly Income	Rs.5,487/-
Annual Income	Rs.65,844/
Add 40% future prospect (Rs.26,337/-)	Rs.92,181/-
Less 50% for personal expenses (Rs.46,090/-)	Rs.46,090/-
Multiplier '17'	Rs.7,83,530/-
Add 'General Damages'	Rs.30,000/-
TOTAL Principal Compensation	Rs.8,13,530/-
LESS – awarded by Tribunal and paid by insurer	Rs.4,31,940/-
BALANCE (enhancement)	Rs.3,81,590/-

The appellants/claimants acknowledge receipt of the awarded amount of Rs.4,31,940/- in terms of the direction of the tribunal. Accordingly, the balance enhanced sum of Rs.3,81,590/- would become payable to the appellants/claimants 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/claimants. If it is found that appellants/claimants did not receive any interest on the already awarded and paid amount of Rs.4,31,940/-, insurer shall pay interest on the said amount at the same rate of 6% as directed above, from the date of filing of claim application till the date of payment. Counsel for the appellants/claimants will forward the bank account details of the appellants/claimants within a fortnight from date to counsel for the insurance company. The payment shall be made in the proportion decided by the tribunal.

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 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.)