

06.07.2021

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F.M.A.484 of 2021

(Via Video Conference)

Rupali Sarkar & ors.

Vs.

The National Insurance Co. Ltd. & anr.

Mr. Subhankar Mandal

...For the Appellants/claimants

Mr. Deb Narayan Roy

... For the respondent No.1/Insurance Co.

This instant appeal case filed by the claimants against the award and/or Judgment dated August 19, 2020 passed by the Learned Motor Accident Claims Tribunal cum Additional District Judge, 5th Court, Paschim Medinipur in M.A.C. Case no 506 Of 2018, (Rupali Sarkar & others vs National Insurance Co Ltd. & others) on a claim under Section 166 of Motor Vehicle Act.,1988 for the accidental death of Pintu Sarkar which was occurred on 12-07-2018.

The facts of the case are not in dispute.

The claim was filed under Section 166 of the M. V. Act, 1988. The Learned Advocate for the appellants/claimants submits that the Learned Tribunal committed error in law while not granting 40% additional amount towards future prospect since the deceased was aged about 34 years old self employed person at the time of accident.

Be that as it may, considering the rival submissions of the parties as well as judgment of Hon'ble Apex Court

above award passed by the Tribunal below is modified and recalculated as follows:

Annual Income =	Rs 60,000/
Add Future Prospect 40 %	Rs 24,000/
Total Income	Rs. 84,000/
Less personal expenses (1/4 rd)	Rs 21,000/
Annual loss of dependency	Rs 63,000/
Multiplier 15 (Rs 63000 x 15)	Rs 9,45,000/
Add General Damages	Rs 70,000/
Total compensation =	Rs 10,15,000/

The Appellants also submit that they have received the awarded amount of Rs.7,45,000/- along with interest amount. Therefore, the balance amount of Rs.2,70,000/- shall be paid along with 6% interest from the date of filing to the victim within 30 days of receipt of particulars of their bank accounts to be supplied by his counsel to the counsel for the Insurance Company.

It is made clear that the payments shall be made by NEFT/RTGS in the proportion as ordered by the Court below.

With the aforesaid directions, the instant appeal bearing F.M.A. No. 484 of 2021 shall stand disposed of.

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.

(Shekhar B. Saraf, J.)