

25.01.2021
Item No.17
(P.Jana)

(Via Video Conference)

FMA 2702 of 2016
[[IA No : 1/2018(Old No : CAN 4421/2018)]

Smt. Biva Paul & ors.
-Vs-
The Tata AIG General Insurance Co. Ltd. & anr.

Mr. Saidur Rahaman,
... for the appellants/claimants.

Mr. Rajesh Singh,
... for the respondent/
Insurance Company.

This appeal is directed against the judgment and award dated December 16, 2015, passed by the Learned Additional District Judge, Fast Track, 1st Court at Raiganj, Uttar Dinajpur, Motor Accident Claims Tribunal, in MAC Case No. 70 of 2012.

Mr. Saidur Rahaman, learned counsel, appears on behalf of the claimants/appellants and Mr. Rajesh Singh, learned counsel, appears on behalf of the Insurance Company/respondent.

It has been submitted by the parties that they are agreeable with regard to the enhancement of the award by a further sum of Rs. 5,00,000/- (Rupees Five lac) since there was error by the Tribunal in computation of the award in accordance with law, particularly in the assessment of the income of the deceased.

In view of that, this appeal is disposed of by giving a direction upon the Insurance Company to pay the said enhanced amount of Rs. 5,00,000/- (Rupees Five lac)

within a period of four weeks from the date of communication of the bank account details by the claimants to the Insurance Company.

The payment should be disbursed in the same proportion to the claimants as directed by the Tribunal.

The appeal F.M.A. 2702 of 2016 is, thus, disposed of.

The connected application being CAN 4421 of 2018 is also disposed of.

The written instruction filed by the Insurance Company in Court today with regard to the payment for Rs. 5,00,000/- as further payable be kept with the record.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Kausik Chanda, J.)