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(Via Video Conference)

F.M.A.T. 573 of 2011

Smt. Rekha Sahu & Ors.
Vs.
New India Assurance Company Ltd. & Anr.

Mr. Jayanta Kumar Mandal
...For the Appellants/ Claimants.

Mr. Sanjay Paul
...For the Respondent/ Insurance Company.

Learned advocate for appellants/claimants submits that the delay in preferring the appeal may be condoned on the oral prayer of the parties since there is merit in the instant appeal.

Accordingly the delay is condoned.

This appeal is directed against the Judgment and award dated January 14, 2011 passed by the learned Motor Accident Claims Tribunal, 2nd A.D.J., at Barasat in MAC Case No. 58 of 2010.

Mr. Mandal, learned advocate for the appellants/ claimants submits that the tribunal is not just while applying appropriate multiplier since the deceased was 51 years old as per service record. According to him the tribunal is also not just while granting Rs.9,500/ instead of Rs.70,000/ towards general damages. He also submits that the tribunal is not just while not granting 15% additional income towards future prospect since the victim was aged about 51 years and was engaged in permanent employment in view of the judgment of ***Salara Verma reported in 2009 TAC (2) 677 SC : 2009 (3) WBLR (SC) 700*** and ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.,*** reported in ***(2017) 16 SCC 680.***

Mr. Mandal also submits that the tribunal also erred in not awarding the interest over the entire compensation amount from the date of filing of the claim application till payment.

In reply Mr. Paul, learned advocate for the respondent/insurance company submits that the award passed by the tribunal is absolutely just and there is no scope of interference and/or modification of the award.

Heard the submissions of the parties. Considering the ratio as decided in ***Sarala Verma*** (supra) as well as ***Pranay Sethi*** (supra), the award passed by the tribunal is modified and recalculated as follows :

Particulars	**Amount (Rs.)**
Annual income [15394 X 12]	1,84,728.00
Less: 1/3rd personal expenses	(-) 61,576.00
	1,23,152.00
Add 15% future prospect	(+)18,472.00
	1,41,624.00
Multiplier of 11 to be used (x) 11	15,57,864.00
Collective heads of General Damages	(+) 70,000.00
	16,27,864.00

Less: Awarded amount	(-)11,69,219.00
Differential amount	4,58,645.00

The appellants/claimants acknowledge the receipt of the awarded amount of Rs.11,69,219/- in terms of the direction of the tribunal. Accordingly, the balance enhanced sum of Rs.4,58,645/- would become payable to the appellants/claimants by the Insurance Company, together with interest assessed at the rate of 6% per annum on and from the date of filing of the claim application within a period of 45 days from the date of receipt of the bank account particulars of the appellants/claimants.

Mr. Mandal acknowledges that his clients have received only awarded sum of Rs.11,69,219/ but no amount towards interest was deposited by the insurance company. In reply Mr. Paul submits that he has no instruction regarding non deposit of interest as granted by the tribunal.

Be that as it may, the insurance company is directed to pay the interest @6% p.a. on the awarded sum of Rs.11,69,219/ from date of filing of the claim application till date of deposit of such amount before the tribunal, if not paid earlier.

Learned advocate for the appellants/claimants will forward the bank account details of the appellants/claimants within a fortnight from date to the learned 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.

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.

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.)