

17 29.06.2021
Sc

(Via Video Conference)

F.M.A.T 577 of 2019

Bina Sen & Ors.

Vs.

National Insurance Co. Ltd. & Anr.

Mr. Muktakesh Das

...For the Appellants/
Claimants

Mr. Sanjay Paul

...For the Respondent/
Insurance Company

On the basis of oral application, delay in filing the appeal is condone.

This instant appeal case filed by the claimants against the award and/or Judgment dated 17.08.2018 passed by the Learned M.A.C. Tribunal, Additional District & Sessions Judge, FTC-1, Krishnanagar, Motor Accident Claims Tribunal, Nadia in M.A.C. Case no 303 Of 2016 on a claim under Section 166 of Motor Vehicle Act.,1988 for the accidental injuries suffered by the victim/appellant.

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 appellant/claimant submits that the Learned Tribunal committed error in law while not granting any income towards loss of earning capacity as well as towards physical pain & sufferings.

Learned Advocate for the respondent insurance

company submits that the Learned is just while not granting any income towards loss of earning capacity since the victim failed to prove her permanent disability by adducing any cogent evidence and also compensation granted towards general damages is also just and reasonable.

Be that as it may, considering the rival submissions of the parties as well as judgment of Hon'ble Apex Court a further sum of Rs.50,000/ towards physical pain & sufferings shall be just and reasonable.

The appellant/claimant is directed to furnish her bank account details to the Counsel for the insurance company. The insurance company is directed to satisfy the above compensation within 30 days from the date of receipt of bank particulars from the appellant.

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 stand disposed of.

There will be no order as to costs.

The department is directed to send down the LCR.

Photostat certified copy of this order, if applied for, be furnished upon compliance of all formalities.

(Shekhar B. Saraf, J.)