

Ct. No. 26
22.9
2021
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F.M.A.T. 559 of 2016
Chaina Marjit (Maji) & Anr.
Vs.
The National Insurance Co. Ltd. & Ors.
(Via Video Conference)

Ms. Sima Ghosh **...For the Appellants /Claimants**
Mr. Debnarayan Roy **...For the Respondent/Insurance Co.**

Since the original application is not found in the file, photostat copy of the application for condonation of delay is taken on record by treating the same as original one.

This is an application for condonation of delay in filing the instant appeal. On perusal of the pleadings, this Court is satisfied that the causes 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.

The appeal is directed against the judgment and award dated July 29, 2015 passed by the learned Additional District Judge, Motor Accident Claims Tribunal, Rampurhat, Birbhum (hereinafter referred to as the learned Tribunal Judge), in M.A.C. Case No. 16 of 2014, on a claim under Section 166 of the Motor Vehicles Act, 1988 for the death of one Sitan Marjit, in a road accident on February 10, 2007.

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 Tribunal committed error in law while assessing annual income of the deceased.

Lastly, claimants submit that the learned Judge erred in not granting 'interest' on the compensation amount.

In reply, Mr. Debnarayan Roy, learned 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 awarded amount.

However, following the precedence of this Court on the point of interest, I find substance in the arguments of the appellants/claimants in a claim of the Motor Vehicles Act, 1988, interest amount at the rate 6% per annum does not appear to be exorbitant.

Accordingly, the impugned award is modified and recalculated in the manner referred hereinbelow :

Annual Income	Rs. 30,000/-
1/3rd deduction (personal Expenses)	Rs. 20,000/-
The figure comes	
Use Multiplier (15) (20,000 X 15)	Rs. 3,00,000/-
Collective General Damages	<u>Rs. 4,500/-</u>
Total Compensation	<u>Rs. 3,04,500/-</u>

The claimants/appellants acknowledge receipt of the awarded amount of Rs.3,04,500/- without interest. Accordingly, the Insurance Company must calculate the interest assessed at the rate of 6% per annum on and from the date of filing of the claim petition till the date of awarded sum already paid by the Insurance Company within a period of 45 days from the date of receipt of the bank particulars of the appellants.

Learned Counsel for the claimants will forward the

bank account details of the appellants within a fortnight from date to the learned Counsel for the Insurance Company. The payment shall be made to the claimants' bank accounts directly in the same manner and proportion as decided by the Court below.

With the aforesaid directions, the instant appeal is disposed of.

In view of disposal of the appeal, all connected applications, if any, are also disposed of. The concerned Department is directed to trace out the applications and tag with this appeal.

There will be no further 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.)