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(Via Video Conference)

F.M.A. 3863 OF 2016
with
I.A. No. CAN 1 OF 2016
(Old No. CAN 7270 OF 2016)

Tukun Bibi & Ors.

Vs.

Cholamondalam M. S. General Insurance Co. Ltd. & Anr.

Mr. Krishanu Banik
...For the Appellants/ Claimants.

Mr. Debanjan Mukherjee
...For the Respondent/ Insurance Co. Ltd.

The appeal is directed against the judgment and award dated February 25, 2016 passed by the learned Judge, Motor Accident Claims Tribunal, Bankura in M.A.C. Case No. 40/20 of 2015/2015.

The facts of the case are not in dispute.

Various points have been raised by the appellants/claimants in the instant appeal.

Mr. Banik, learned advocate for the appellants/claimants submits that erroneously the tribunal has not assessed the annual income of the deceased as Rs.60,000/- i.e., Rs.5000/- x 12 months. He also submits that the tribunal committed an error in law by not applying the multiplier '18' and also by not assessing the general damages as Rs.70,000/- while assessing the compensation.

Mr. Debanjan Mukherjee, learned advocate for the respondent/Insurance Company has vehemently opposed the submission of the advocate for the appellants/claimants. He submits that the tribunal has rightly passed the impugned award since the same is quite justified and reasonable.

I have heard advocates for the parties and I find substance in the arguments of the appellants/claimants.

Considering the judgements of ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.***, the impugned award is modified and recalculated in the manner referred hereinafter.

Particulars	**Amount (Rs.)**
Monthly Income	Rs.5,000/-
Annual Income	Rs.60,000/
Add 40% future prospect (Rs.24,000/-)	Rs.84,000/-
Deduction 1/3rd on account of Own personal living expenses	Rs.28,000/-
After deduction of Rs.28,000/- the figure comes to (Rs.84,000 – 28, 000/-)	Rs.56,000/-
Multiplier '18' (Rs.56,000x18)	Rs.10,08,000/-
Add 'General Damages'	Rs.70,000/-
Total Compensation	Rs.10,78,000/-

The appellants/claimants acknowledge the receipt of the awarded amount of Rs.4,33,500/- with interest @6% per annum and therefore the differential amount comes to Rs.6,44,500/-. Accordingly, Rs.6,44,500/- would become payable to the appellants/claimants by the respondent/Insurance Company with interest assessed @5% per annum on and from the date of filing of the claim application till the date of payment in the same manner and proportion as is indicated in the award within 45 days from the date of receipt of particulars of the bank accounts' details of the appellants/claimants to be supplied by the advocate for the respondent/Insurance Company within two weeks from date.

It is made clear that the payments shall be made by NEFT/RTGS in the proportion as is indicated in the award.

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.

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.)