

Ct. 16.8
No. 26
31
akb

F.M.A.T. 592 of 2015

With

IA No. CAN 1 of 2021

with

IA No. CAN 2 of 2021

Chandan Bhowmick & Anr.

Vs.

The New India Assurance Co. Ltd. & Anr.

(Via Video Conference)

Mr. Amit Ranjan Roy

...For the Appellants/Claimants

Ms. Sucharita Paul

...For the Respondent/Insurance Co.

Re.: IA No. CAN 1 of 2021

Since the original application is not found with this appeal, the photocopy of the application for condonation of delay, is taken on record by treating the same as original one.

Causes being sufficient, delay is condoned and the appeal is taken up for final disposal by consent of the parties.

The application for condonation of delay is disposed of.

Re.: IA No. CAN 2 of 2021

Since the original application is not found with this appeal, the photocopy of the application for recording death of appellant No. 2, is taken on record by treating the same as original one.

On perusal of the pleadings and the documents annexed herewith, this Court is satisfied and allows such prayer.

Accordingly, the above application, being CAN 2 of 2021 stands allowed and the name of the appellant No. 2 is allowed to be expunged from the cause title of the

memorandum of appeal. The department is directed to take steps for such purpose.

FMAT 592 of 2015

The above appeal has been filed by the claimants against the judgement and award dated December 18, 2014, passed by the learned Judge, Motor Accident Claims Tribunal, 3rd Court, Nadia, Krishnanagar, in M.A.C. Case No.261 of 2009.

The learned Counsel for the appellant submits that the Court below erroneously deducted 1/2 on account of personal expenses of the victim. The same should be 1/3rd as provided under section 163A of the Motor Vehicles Act, 1988. It is also submitted that interest on the awarded amount should have been granted from the date of filing of the claim case. However, learned Tribunal erred in not allowing the same.

Learned Counsel for the Insurance Company is represented.

Accordingly, after considering the submissions as advanced by the learned Counsel for the parties, the impugned award is modified and reassessed as follows :

the impugned award is modified and reassessed as follows:

Yearly income (Rs.3,000/- X 12)	Rs. 36,000/-
Less: 1/3rd personal expenses	Rs. <u>12,000/-</u>
	Rs. 24,000/-
Multiplier of 17 to be used	Rs.4,08,000/-
Collective heads of General Damages	Rs. <u>4,500/-</u>
Total Compensation	Rs.4,12,500/-

Less: Awarded amount	<u>Rs.3,10,500/-</u>
Differential amount	Rs.1,02,000/-

The claimant acknowledges receipt of the entire awarded amount of Rs. 3,10,500/- without interest. The balance amount of Rs. 1,02,000/- would become payable to the claimant by the Insurance Company together with interest assessed @ 6 per cent per annum, from the date of filing of the claim petition within a period of 45 days from the date of receipt of the bank account particulars of the claimant. Insurance Company is also directed to pay 6% interest on the awarded amount of Rs. 3,10,500/-, if not already disbursed, to be calculated from the date of lodging of the claim till the date of payment.

Learned Counsel for the claimant will forward the bank account details of the claimant within a fortnight from date to the learned Counsel for the Insurance Company.

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 concerned Department 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.)