

Ct. 29.6
No. 2021
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akb

F.M.A.T. 820 of 2016
(Via Video Conference)
Smt. Minati Das & Ors.
Vs.
National Insurance Co. Ltd. & Anr.

Mr. Muktakesh Das ...For the Appellants/Claimants

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

On the oral prayer of the learned Counsel appearing on behalf of the appellants, the delay in filing the appeal is condoned. No serious objection has been raised by Mr. Sanjay Paul, learned Counsel appearing on behalf of the Insurance Company/respondent.

The application for condonation of delay is disposed of.

The concerned Department is directed to trace out the application and tag the same with this appeal.

This instant appeal has been filed by the claimants against the award and/or Judgment dated January 27, 2016 passed by the learned Judge, Motor Accident Claims Tribunal, Additional District Judge, 4th Court, Nadia at Krishnanagar, in M.A.C. Case no 243 of 2009.

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 appellants/claimants submits that the learned Tribunal committed error in law while not granting 10% additional amount towards future prospect since the deceased was 53 years old self employed person. The learned Advocate for the appellants/claimants further submits that the learned Tribunal also committed error in law while granting Rs.9,500/ instead of Rs.70,000/ towards general damages.

Learned Advocate for the respondent Insurance Company submits that the award passed by the learned Court below is just and reasonable and there is no scope of any interference and/or modification of the award.

Be that as it may, considering the rival submissions of the parties as well as judgment of Hon'ble Apex Court above award passed by the Tribunal below is modified and recalculated as follows:-

Annual Income	Rs. 99,633/-
Add Future Prospect 10 %	Rs. 9,963/-
Total Income	Rs.1,09,596/-
Less personal expenses (1/3 rd)	Rs . 36,532/-
Annual loss of dependency	Rs. 73,064/-
Multiplier 11 (Rs 73,064 x 11)	Rs.8,03,704/-
Add General Damages	<u>Rs. 70000/-</u>
Total compensation =	Rs.8,73,704/-

The appellant also submits that they have received the awarded sum of Rs.7,40,142/- along with interest. Therefore, balance amount of Rs.1,33,562/- further payable which shall be paid along with 6% interest from the date of filing of claim application till payment to the claimants within 30 days of receipt of particulars of their bank accounts to be supplied by their counsel to the counsel for the insurance company.

It is made clear that the payments shall be made by NEFT/ RTGS in the same manner and proportion as decided by the Court below.

With the aforesaid directions, the instant appeal shall stand disposed of.

There shall 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.*)