

S/L 17
04.8.2021
Court No.26
SD

FMAT 821 of 2016
(Via Video Conference)

Khokan Paul
Vs.
The Oriental Insurance Co. Ltd. & Anr.

Mr. Muktakesh Das

...for the Appellants/Claimants.

Ms. Gopa Das Mukherjee

...for the Respondent/Insurance Co.

The instant appeal is directed against the judgment and award dated April 19, 2016 passed by the learned Judge, Motor Accident Claims Tribunal, District Judge, 5th Court, Nadia at Krishnagar in M.A.C. Case No.438 of 2007 on a claim under Section 166 of Motor Vehicles Act, 1988 for the injury received by him in a road accident dated 23.06.2007.

The appeal has been preferred by the claimant/appellant primarily on the ground that the Tribunal has erred in computing the compensation and the awarded interest which has not been deposited by the respondent insurance company.

Various points have been raised by the claimant in the instant appeal challenging the quantum of compensation. It is submitted on behalf of the appellant that the monthly income of the victim was not considered by the Tribunal. Accordingly, it was argued that a lesser quantum of compensation has been wrongfully awarded by the Tribunal.

Per contra, counsel appearing on behalf of the insurance company argues that the award is just and reasonable and there is no further scope of enhancement of the same. It is further argued that the rate of interest on the

awarded amount is on the higher side and may be reduced to 6% per annum.

Accordingly, after considering the submissions as advanced by counsel appearing on behalf of the parties, the impugned award is upheld and only the rate of interest is modified from 9% per annum to 6% per annum.

The claimant acknowledges receipt of the entire awarded amount of Rs.80,000/-. The balance interest amount on the awarded amount of Rs.80,000/- @ 6% per annum from the date of filing of the claim petition till the deposit of the awarded amount in the Tribunal would become payable to the claimant/appellant within a period of 45 days from the date of receipt of the bank account particulars of the claimant. Advocate for claimant will forward the bank account details of the claimant within a fortnight from date to the Advocate for the insurance company. The payment shall be made in the proportion decided by the court below.

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

There shall be no order as to costs.

In view of the disposal of this appeal, connected applications, if any, are also disposed of.

The Registry is directed to send down the lower court records at once, if received by this time.

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.)
