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(Via Video Conference)

F.M.A. 365 OF 2021

**Smt. Uma Khatun & Ors.
Vs.
The National Insurance Company Ltd. & Anr.**

Mr. Amit Ranjan Roy

...For the Appellants/
Claimants

Mr. M. P. Chakraborty

...For the Respondent/
Insurance Co.

The claimants are in appeal, complaining of the inadequate compensation granted by the learned Additional District and Sessions Judge, Motor Accident Claims Tribunal-cum-Fast Track, 2nd Court, Asansol, in M.A.C. Case No. 17 of 2013/137 of 2012.

The appellants pointed out that the claimants are entitled to 30% on account of future prospects and Rs.70,000/- under collective heads of general damages in view of the law as laid down in **Smt. Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr.** reported in **(2009) 6 SCC 121** and **National Insurance Company Ltd. vs. Pranay Sethi & Ors.** reported in **(2017) 16 SCC 680**.

The insurance company is represented.

The impugned award is modified and the claimants are found entitled to a total amount of Rs.9,98,823/- together with interest thereon at the rate of 6% per annum from the date of lodging the claim till the

receipt of payment as indicated more fully hereafter.

The gross income of the victim appears to have been Rs.3,90,972/- per annum, after deduction of tax and other allowances. After deducting 1/4th from such figure on account of personal expenses, the net annual income comes to Rs.2,93,229/-. On such amount, a multiplier of 14 is applied in respect of age of deceased 44 years and 30% is added on account of future prospect, thus, taking the amount of Rs.53,36,758/-. Upon adding Rs.70,000/- on account of collective heads of general damages, the gross amount comes to Rs.54,06,758/- together with interest at the rate of 6% per annum as indicated above.

The claimants acknowledge receipt of the entire awarded amount. The balance sum of Rs.9,98,823/- would become payable to the appellants together with interest assessed at the rate 6% per annum on an 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 appellants. Counsel for the appellants will forward the bank account details to the counsel for insurance company within a fortnight from date for the payment of compensation. The payment shall be made in the same proportion as indicated by the Court below.

The applicant no.6 was minor at the time of filing claim application and before filing the appeal the applicant no.6 attained his majority. On the prayer of the

counsel for the appellants the applicant no.6 treated to be a major one along with other applicants.

With the aforesaid directions, the instant appeal stand disposed of. Accordingly connected application is also disposed of.

There will be no order as to costs.

The department is directed to send down the LCR.

Photostat certified copy of this order, if applied for, be furnished upon compliance of all formalities.

(Shekhar B. Saraf, J.)