16.08.2021
ss

(Via Video Conference)

F.M.A.T. 885 of 2019

I.A. CAN 1 of 2019 (old no. CAN 10378 of 2019)

Pari Rani Paul & ors,
Vs.
The New India Assurance Co. Ltd. & ors.

Mr. Subhankar Mandal ...For the Appellants/claimants.

Mr. Rajdeep Bhattacharya ....For the respondent no.1/ The New India Assurance Co. Ltd.

Ms. Sucharita Paul ... For the respondent no.2/ National Insurance co. Ltd.

I.A. CAN 1 of 2019 (old No.CAN 10378 of 2019

This is an application for condonation of delay in filing the instant appeal.

After hearing the parties and on perusal of the pleadings, this Court is satisfied that cause shown for delay in filing the appeal is sufficient and prayer for condonation of delay should be allowed.

Accordingly, the application for condonation of delay stands allowed.

FMAT 885 of 2019

The above appeal has been filed by the claimants against the judgment and award dated 4th August, 2018, passed by the learned A.D.S.J./Motor Accident Claims Tribunal, 2nd Court, Tamluk, Purba Medinipur, in M.A.C. Case No. 108 of 2010/42 of 2008, on a claim under Section 166 of the Motor Vehicles Act, 1988.

The claimants submit that the learned Tribunal erred in not awarding any future prospect on the income of the victim. It is further submitted that the multiplier in the instant case should have been 14, instead of 13 which has been erroneously adopted by the learned Court below. The appellants rely on the dictum of Hon'ble Supreme Court in the cases of ***Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.***, reported in ***(2009) 6 SCC 121, National Insurance Company Ltd. Vs. Pranay Sethi & Ors.***, reported in ***(2017) 16 SCC 680*** and ***Shashikala & Ors. –Vs.- Gangalakshmamma & Anr.***, reported in ***(2015) 9 SCC 150,*** in support of their argument.

Both the Insurance Companies are represented and submit that the amount under the collective heads of general damages should have been restricted to Rs.70,000/-, in view of ***Pranay Sethi*** *(supra),* instead of Rs.1,55,000/- as had been awarded by the Tribunal.

This Court is inclined to accept the submissions made on behalf of the respective parties. Accordingly, the impugned award is modified and reassessed as follows:

Particulars	Amount (Rs.)
Monthly income	3,000.00
Add 25% future prospect	(+) 750.00
	3,750.00
Annual Income X 12	45,000.00
Less: 1/4th personal expenses	(-)11,250.00
	33,750.00
Multiplier of 14 to be used (x14)	4,72,500.00
Collective heads of General Damages	(+) 70,000.00
	5,42,500.00
Less: Awarded amount	(-) 5,06,000.00
Differential amount	**36,500.00**

The claimants acknowledge receipt of the entire awarded amount of Rs.5,06,000/- minus interest. The balance amount of Rs. 36,500/- would become payable to the appellants by both the Insurance Companies, in equal proportion, i.e. Rs.18,250/- each, 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 claimants. Both Insurance Companies (National Insurance Company Limited & The New India Assurance Company Limited) are also directed to pay 6% interest on the awarded amount of Rs.5,06,000/-, in equal proportion, if not already disbursed, to be calculated from the date of lodging of the claim till the date of payment. For such purpose, advocate for the claimants will forward the bank account details of the appellants within a fortnight from date, to the respective advocates for the Insurance Companies. The payment shall be made in the proportion decided by the Court below.

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.)