Ct. No. 26

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2021

F.M.A. 2020 of 2013

(Via Video Conference)

Asha Gope & Anr.

Vs.

The United India Insurance Co. Ltd. & Anr.

Mr. Amit Ranjan Roy ...**For the Appellants**

Ms. Sucharita Paul ...**For the Respondent/Insurance Co.**

The claimants are in appeal, complaining of the inadequate compensation granted by the learned Judge, Motor Accident Claims Tribunal-Cum-Additional District Judge, 2nd Court, Asansol, Burdwan in its award dated January 30, 2013 in M.A.C. Case No.72 of 2009.

The appellants state that the victim who was an employee of Eastern Coalfields Limited, died at the age of 34 years. Therefore, the multiplier adopted by the learned Tribunal should have been 16 instead of 15. The appellants further point out that the claimants are also entitled to 50% on account of future prospects and Rs.70,000/- under collective heads of general damages in view of the law as it stands now after the judgments 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 learned Advocate for the claimants also submits 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.

The insurance company is represented.

The impugned award is modified and the claimants are found entitled to a total amount of

Rs.24,21,184/- together with interest thereon at the rate of 6% per annuam 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.1,46,948/- per annuam, after deduction of tax and other allowances. After deducting one-third from such figure on account of personal expenses, the net yearly income comes to Rs. 97,966/-. On such amount, a multiplier of 16 is applied and 50% is added on account of future prospect, thus, taking the amount to Rs. 23,51,184/-. Upon adding Rs. 70,000/- on account of collective heads of general damages, the gross amount comes to Rs. 24,21,184/- together with interest at the rate of 6% per annum as indicated above.

The claimants acknowledge receipt of a sum of the entire awarded amount minus interest. The balance sum of Rs.9,42,194/- would become payable to the appellants together with interest assessed at the rate 6 per cent per annum on and 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. The Insurance Company is also directed to pay 6% interest on the awarded amount, if not already disbursed, to be calculated from the date of lodging of the claim till the date of payment. Learned Advocate for the appellants will forward the bank account details of the appellants within a fortnight from date to the learned Advocate for the Insurance Company. The payment shall be made in the same proportion as decided by the Court below.

With the aforesaid directions the instant appeal is disposed of.

In view of the disposal of this appeal, connected application, if any, is also disposed of. The concerned Department is directed to tag the application, if any, with the main appeal.

There shall be no further order as to costs.

LCR, if any may be returned back to the Court below.

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.)