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(Via Video Conference)

FMA 120 OF 2021

Smt. Sajal Adhikary & Anr.
-vs.-
National Insurance Company Ltd. & Anr.

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

Mr. Rajesh Singh
.........For the Respondent/ Insurance Company.

The present miscellaneous appeal is at the instance of the appellants/claimants and is directed against the judgment and award dated October 3, 2019 passed by the learned Judge, Motor Accident Claims Tribunal, RD Court, Paschim Medinipore in M.A.C. Case No. 221 of 2018.

Two points have been mainly raised by the appellants/claimants in the instant appeal. Mr. Mandal, counsel appearing on behalf of the appellants/claimants submits that the claimants were not granted any amount under "Future Prospect'. Further the claimants were not granted interest on the compensation amount from the date of filing of the claim application. The interest was given only in case of default of payment within the stipulated time. accordingly, it was argued that a lesser quantum of compensation has been erroneously awarded by the tribunal.

Mr. Rajesh Singh, learned counsel is appearing on behalf of the respondent/Insurance Company.

I have heard counsel appearing on behalf of the parties. In view of the law laid down in ***Smt. Sarala Verma & Ors. –vs.- Delhi Transport Corporation & Anr.***, reported in ***(2009) 6 SCC 121*** and in ***National Insurance Company Limited –vs.- Pranay Sethi & Ors.***, reported in ***(2017) 16 SCC 680*** I find substance in the submission of the appellants/claimants and they are justified in praying 25% addition on account of future prospect on the income of the deceased. This Court is also of the view that the appellants are entitled to interest on the compensation accrues from the date of filing of claim application.

Taking the monthly income of the deceased Rs.5000/- per month his annual income of Rs.60,000/-. By adding 25% 'Future Prospect' on the income of the deceased and by deducting 1/3rd on account of personal expenses, the amount comes to Rs.50,000/- on which multiplier 13 will have to be applied. The net pecuniary compensation comes to Rs.5,60,000/-. I am not interfering with the medical expenses of Rs.15,000/- awarded to the claimants. They are also entitled to general damages of Rs.70,000/- on account of loss of consortium, loss of estate and funeral expenses.

The impugned award is thus modified and the appellants/claimants are found entitled to a total sum of Rs.7,35,000/- together with interest thereon @6% per annum from the date of filing of the claim application till its realisation.

The appellants/claimants received the entire awarded amount of Rs.6,00,000/- along with interest. The balance sum of Rs.1,35,000/- would have become payable to the appellants/claimants together with interest @6% per annum on and from date of filing of the claim application.

The counsel appearing on behalf of the appellants/claimants shall forward the bank account details of the appellants/claimants to the Insurance Company within a period of two weeks from date.

The Insurance Company is directed to pay Rs.1,35,000/- together with interest @6% per annum on and from date of filing of the claim application to the appellants'/claimants' bank accounts directly within a period of four weeks from date, in the same manner and proportion as decided by the tribunal.

The appeal is disposed of. Accordingly the connected applications, if any, are also disposed of. The department concerned is directed to tag the applications, if any, with the main appeal.

The department concerned is directed to send down the lower court records to the Court below.

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

(Shekhar B. Saraf J.)