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(Via Video Conference)

**F.M.A.T. 1003 OF 2015
with
I.A. No.CAN 1 OF 2021**

Chandana Roy & Ors.

Vs.

Chayan Biswas & Ors.

Mr. Muktakesh Das

...For the Appellants/
Claimants.

Ms. Gopa Das Mukherjee

...For the Respondent/
Insurance Co. Ltd.

CAN 1 OF 2021

CAN 1 of 2021 is an application for condonation of delay in filing this appeal.

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

Accordingly the application for condonation of delay is allowed.

CAN 1 of 2021 is, accordingly, disposed of.

F.M.A.T. 1003 OF 2015

The instant appeal, filed by the appellants/claimants, is directed against the judgment

and award dated December 11, 2014 passed by the learned Judge, Motor Accident Claims Tribunal, 3rd Court, Nadia at Krishnagr in M.A.C. Case No. 455 of 2007.

The facts of the case are not in dispute.

Mr. Das, learned advocate for the appellants/claimants submits that the tribunal committed an error in law while not assessing the monthly income of the deceased as Rs.3,300/- per month instead of Rs.15,000/- per month. He further submits that the tribunal also committed an error in law by not assessing the interest from the date of filing of the claim petition till the date of realisation.

Ms. Gopa Das Mukherjee, learned advocate for the respondent/Insurance Company has vehemently opposed the submission of the learned advocate for the appellants/claimants. She submits that the tribunal has rightly passed the impugned award since the same is quite justified and reasonable.

I have heard advocates for the parties and I find substance in the arguments of the appellants/claimants. Considering the observation of the Hon'ble Supreme Court in ***Laxmi Devi & Ors. -vs.- Mohammad Tabbar & Anr.***, reported in ***2008 (2) TAC 394 SC*** the impugned award is modified and recalculated in the manner referred hereinafter.

Particulars	Amount (Rs.)
Monthly Income	Rs.3,000/-
Annual Income	Rs.36,000/-
Less 1/3 rd deduction	Rs.12,000/-
Annual loss of dependency	Rs.24,000
Multiplier 16	Rs.3,84,000/-
Add general damages	Rs.9,500/-
Total compensation	Rs.3,93,500/-

The appellants/claimants have not yet received the awarded sum of Rs.3,93,500/-. Therefore, the awarded sum of Rs.3,93,500/- along with interest assessed @ 6% per annum from the date of filing of the claim application till the date of realisation would become payable to the appellant no.1, Chandana Roy. The amount will be payable by the Insurance Company within a period of 45 days from the date of receipt of the bank account particulars of the appellant no.1, Chandana Roy. Learned advocate for the appellant no.1 will forward her bank account details to the learned advocate for the Insurance company.

It is made clear that the payments shall be made by NEFT/RTGS.

With the aforesaid directions the instant appeal is disposed of.

In view of disposal of this appeal, connected applications, if any, are also disposed of. The department concerned 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.)