

16.04.2021
Item No. 14
Ct. No. 04
PG

F.M.A.T. 1215 of 2019
With
IA no. CAN 2 of 2019 (Old CAN no. 11749 of 2019)
The Oriental Insurance Company Ltd.
Vs.
Gouri Jana & Ors.

Mr. Rajesh Singh
Ms. Sucharita Pal....for applicant/
appellant

Mr. Laltu Mohan Ghosh....for respondent no.1/
claimant

The insurance company is appellant. Mr. Singh, learned advocate appears on its behalf while Mr. Ghosh, learned advocate appears on behalf of respondent/claimant. We have ascertained from Mr. Ghosh, that respondent/claimant is entitled to Rs. 4,55,458/- inclusive of principal and interest.

On consent of parties, the appeal itself is taken up for hearing at this stage. All formalities are dispensed with including requirement to serve notice of appeal.

We are of the opinion that the Tribunal below has erred in calculating the compensation amount on taking 30 days income of the claimant. It should be 26 days. Accordingly, the compensation awarded by the Commissioner is recalculated as follows:

Particulars	Amount (Rs.)
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Monthly income of the victim/deceased	Rs. 5,980/-
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be assessed as

50% of Rs. 5,980X factor 224	Rs. 6,69,760/-
Less received Rs. 4,48,000/-	Rs. 2,21,760/-
12% interest on Rs. 2,21,760/- from one month from the date of accident	Rs. 2,32,848/-
Cost	Rs. 850/-
Total	-----
	Rs. 4,55,458/-

The insurance company had already deposited Rs. 6,15,033/- before the Commissioner's Court. In view of the above, claimant will be entitled to approach the Commissioner and seek disbursal of the sum of Rs. 4,55,458/- from said deposit. On approach, the compensation shall be disbursed in favour of the claimant, in accordance with law, as early as possible. After making the payment to claimant, entire balance amount along with interest accrued thereon, should be refunded to appellant.

F.M.A.T. 1215 of 2019 and IA no. CAN 2 of 2019 (Old CAN no. 11749 of 2019) are disposed of. There will be no order as to costs.

Urgent photostat certified copy of this judgment and order, if applied, may be furnished to the applicant at an early date.

(Arindam Sinha, J.)

(Kausik Chanda, J.)