

25.06.2021

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F.M.A. 548 of 2021

(Via Video Conference)

Tapan Rajbanshi & anr.

Vs.

The National Insurance Co. Ltd. & anr.

Mr. Saidur Rahaman

...For the Appellants/claimants

Ms. Sucharita Paul

... For the respondent/Insurance Co.

The above appeal has been filed by the claimants against an award dated September 5, 2019 passed by the learned Judge, Motor Accident Claims Tribunal, Additional District Judge, 2nd Court, Raiganj, Uttar Dinajpur in M.A.C. Case No.132 of 2018 on a claim under Section 163A of the Motor Vehicles Act, 1988 for an accident which took place on August 13, 2018.

The appellants submit that in view of the amendment of Section 163A on May 22, 2018, the claimants are entitled to a total award of Rs.5,00,000/-

The Insurance Company is represented.

This Court finds justification in the arguments made by the appellants. The above claim case was filed under Section 163A of the Motor Vehicles Act, 1988. The Second Schedule under the said Section was amended on May 22, 2018. In the instant case, the accident took place on 13th August, 2018, that is, after amendment. In view of the amendment, presently, for any vehicular

accidental death, the amount of compensation has been fixed at Rs.5,00,000/-.

Accordingly, the impugned award is modified and the claimants are entitled to a sum of Rs.5,00,000/- together with interest thereon at the rate of 6% per annum from the date of lodging the claim till the receipt of payment.

The claimants acknowledge receipt of the entire awarded amount along with interest. The balance sum of Rs.2,31,500/- would become payable to the appellants together with interest assessed at the rate of 6% 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. Learned Advocate for the appellants will forward the bank account details of the appellants within a period of fortnight from date to the learned Advocate for the Insurance Company. The payment shall be made in the same manner and 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, the 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.

LCT, 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.)