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(Via Video Conference)

F.M.A.T 1289 of 2019

**Mamata Joaddar & Ors.
Vs.
National Insurance Co. Ltd. & Anr.**

Mr. Muktakesh Das

...For the Appellants/
Claimants

Mr. Sanjay Paul

...For the Respondent/
Insurance Company

On the basis of oral application, delay in filing the appeal is condone.

This instant appeal case filed by the claimants against the award and/or Judgment dated 19.09.2018 passed by the Learned Judge, M.A.C. Tribunal, Additional District Judge, 5th Court, Krishnanagar, Nadia in M.A.C. Case no 206 of 2015 on a claim under Section 166 of Motor Vehicle Act.,1988 for the accidental death of Adaitya Biswas.

The facts of the case are not in dispute.

The claim was filed under Section 166 of the M. V. Act, 1988. The Learned Advocate for the appellants/claimants submits that the Learned Tribunal committed error in law while granting interest on the assessed compensation from date of award till payment instead of from date of claim application till payment. The Learned Advocate for the appellants/claimants further

submits that the Learned Tribunal committed error in law while granting Rs.10,000/ instead of Rs.30,000/ towards general damages.

Learned Advocate for the respondent insurance company submits that the award passed by the Learned is just and reasonable and there is no scope of any interference and/or modification of the award.

Be that as it may, considering the rival submissions of the parties as well as judgment of Hon'ble Apex Court as well as general practice of our High Court, above award passed by the Tribunal is modified and granted interest on the principal awarded sum @7% p.a. from date of claim application till payment. Be that as it may, this Court further granted a sum of Rs.20,000/ towards general damages since the Learned Tribunal already granted Rs.10,000/ towards general damages.

The Appellant acknowledges that they have received the Awarded amount of Rs. 2,93,500/ along with interest from date of award till payment. Therefore, the insurance company is required to pay sum of Rs.20,000/ as well as interest on the principal awarded sum of Rs.2,93,500/ @7% p.a. from date of claim application till date of award which shall be paid to the claimants in the same manner as indicated in the award within 30 days of receipt of particulars of their bank accounts to be supplied by their counsel to the counsel for the insurance company.

It is made clear that the payments shall be made by

NEFT/ RTGS in the proportion as ordered by the Court below.

With the aforesaid directions, the instant appeal stand disposed of.

There will be no order as to costs.

The department is directed to send down the LCR.

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

(Shekhar B. Saraf, J.)