AD 19.
January 25, 2021.
SG

FMAT 578 of 2020
with
CAN 1 of 2021

Subir Kumar Das and another
-versus-
Adhunik Prathishtan Pvt Ltd and another

Mr P.C. Maiti
Mr M.N. Mandal
... for the appellants.

Ms Sayanti Santra
... for the respondent no.2.

This appeal is directed against the judgment and award dated December 20, 2019 passed by the Motor Accident Claim Tribunal, 2nd Bench, City Civil Court in MACC No.150 of 2014.

Learned advocate appearing for the claimants/appellants draws the attention to the error in computation of the award as made by the Tribunal below. He submits that after deduction of personal expenses the annual income of the deceased should have been arrived at Rs.48,000/- in place of Rs.24,000/- by the Tribunal. It is apparent from the award of the Tribunal that the multiplier 15 should have been applied on the amount of Rs.48,000/- instead of Rs.24,000/-.

Learned advocate for the insurance company submits that the deceased lady was a housewife and as such the annual income could not have been taken to be Rs.6,000/- per month.

The Tribunal came to a finding that the deceased lady used to work as a domestic help and as such the income of Rs.6,000/- per month cannot be considered to be unreasonable or high for the purpose of computation of the award.

The erroneous calculation of annual income of the deceased in the award by the Tribunal is apparent on the face of the award. After deducting one-third on account of personal expenses it should be the figure of Rs.48,000/- on which the relevant multiplier was to be applied.

Therefore, the award is modified in the manner following:

> The annual income of the deceased is computed as Rs.6,000/- X 12 = 72,000/-.

After deduction of one-third as personal expenses, the annual income comes to Rs.48,000/- upon which multiplier of 15 is applied as per *Sarla Barma* case taking the total income of the deceased to Rs.48,000/- X 15 = Rs.7,20,000/-. Other components of the award are not interfered with. It has been submitted that the insurance company has already paid the amount in terms of the award to the claimants.

The enhanced amount as above will carry 9% interest per annum from the date of filing of the application before the Tribunal till the date of payment. The enhanced amount should be paid to the claimants in equal proportion. The claimants will furnish the insurance company the required bank details and other information within a period of two weeks from date and the insurance company upon such information being communicated shall release the amount as determined above within a period of three weeks.

FMAT 578 of 2020 and CAN 1 of 2021 are disposed of without any order as to costs.

Urgent certified website copies of this order, if applied for, be given to the parties upon compliance with all the requisite formalities.

(Kausik Chanda, J.)