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04.10.2023
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CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

FMAT (MV) 21 of 2023
With
CAN 1 of 2023

Smt. Mahindrarani Bansal & Ors.
-vs.-
Iffco-tokio General Insurance Company Limited & Anr.

Mr. Gobinda Saha,
Mr. Tamal Kumar Sen,
Ms. Priyanka Dey,
Mr. Milan Chandra Laskar,
Ms. Sanghai Chowdhury
…for the Appellants
Mr. Hirak Barman
…for Insurance Company

In Re : CAN 1/2023

The appeal is taken up for hearing along with CAN 1/2023.

By filing CAN 1/2023, the appellants have prayed for condonation of delay in preferring the instant appeal.

Sufficient cause has been shown.

Accordingly, delay is condoned.

CAN 1 of 2023 is disposed of.

In Re : FMAT (MV) 21 of 2023

The appellants challenge an award dated August 12, 2022 passed by the Motor Accident Claims Tribunal, Jalpaiguri in M.A.C. Case No. 370 of 2019. The award of the tribunal needs to be modified by applying the correct multiplier in view of the judgments reported at **(2017) 16 SCC 680** ***(National Insurance Company Limited Vs. Pranay Sethi)*** *and* **(2009) 6 SCC 121**

(Sarla Verma (Smt) Vs. Delhi Transport Corporation) since the tribunal found the age of the victim was forty years at the time of the accident.

Additionally, the tribunal should have granted interest @ 6% per annum on the award.

Accordingly, the award of the learned tribunal is modified as below.

The tribunal assessed the annual income of the victim to be Rs. 2,83,000/-. Therefore, after adding future prospect (25%) with the annualised income and after deducting one-forth on account of personal expenses, the figure arrived at is Rs. 2,65,313/- upon which the multiplier of 15 is to be applied. The appellants are further entitled to Rs. 70,000/- for general damages. Therefore, the total compensation becomes Rs.40,49,688/-.

The appellants will be entitled to the aforesaid amount together with interest @ 6 per cent per annum from the date of lodging of the case before the tribunal (18.11.2019) till the actual payment is made.

The appellants acknowledge having received the entire amount awarded by the tribunal.

The insurance company will calculate the balance amount due to the appellants in terms of this order and make over such amount to the appellants in equal share. The payment should be made directly to the bank account of the appellants within 45 days from date.

The bank account details of the appellants should be forwarded by the advocate for the appellants to the advocate for the insurance company within a fortnight from date.

FMAT (MV) 21 of 2023 is, thus, disposed of.

There will be no order as to costs.

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

(Kausik Chanda, J.)