03-10-2023
Sh-3
Ct. No.3

CALCUTTA HIGH COURT
In the Circuit Bench at Jalpaiguri

FMAT (MV) 37 of 2023

Radharani Barman & Ors.
-vs.-
United India Insurance Co. Ltd. & Anr..

Mr. Gobinda Saha,
Mr. Tamal Kumar Sen,
Ms. Priyanka Dey,
Mr. Milan Chandra Laskar,
Mr. Sanghai Chowdhury
… for the appellants.
Mr. Pashupati Nath.
..for the Insurance Co.

This is an appeal against an award dated May 4, 2023 passed in MAC case No.48 of 2018 by the Motor Accident Claims Tribunal, Fast Court at Jalpaiguri.

It appears that the tribunal assessed the monthly income of the deceased to be Rs.38463/- after deducting Rs.40/- towards Group Insurance contribution.

Learned advocate appearing for the Insurance Company has rightly pointed out that out of said Rs.40/-, Rs.12/- was deducted towards insurance fund and Rs.28/- was accumulated in savings fund of the deceased.

Therefore, the monthly income of the deceased, after adding Rs.28/-, should have been assessed at Rs.38,491/-.

It also appears that the number of family members of the deceased is four. Therefore, the tribunal ought to have deducted 1/4th instead of 1/3rd as personal expenses.

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

Monthly income of the victim is assessed at Rs.38,491/- per month, after adding 15% of the net income on account of future prospect and after deducting 1/4th on account of personal expenses, the figure arrived at is Rs.3,98,381/- upon which the multiplier of 11 is to be applied.

The appellants are entitled to a further sum of Rs.70,000/- as general damages. The total compensation amount, therefore, is Rs.44,52,202/-

The tribunal has already awarded 6.5% interest per annum on the award.

The appellants will be entitled to the aforesaid sum together with interest at the rate of 6.5% per annum from the date of lodging of the case before the tribunal 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 learned advocate for the appellants to the advocate for the Insurance Company within a fortnight from date.

FMAT (MV) 37 of 2023 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously subject to compliance of all requisite formalities.

(Kausik Chanda, J.)