




Serial No.	Date	Order (s) with Signature (s)
1	2	3
03.	25.11.2009	<p style="text-align: center;"><b><u>PRESENT</u></b></p> <p style="text-align: center;">HON'BLE MR. JUSTICE A. P. SUBBA, JUDGE</p> <p>Heard Mr. A. K. Upadhyaya, learned senior counsel assisted by Mr. Ashim Chhetri, learned counsel for the petitioner/Revisionist as well as Ms. Jyoti Kharka, learned counsel for the respondent Nos.1, 2 and 3 and Mr. J. Wangchuk Bhutia, learned counsel for the respondent No.4.</p> <p>This application filed under Section 227 of the Constitution of India is directed against the impugned judgment/award dated 24-02-2009 passed by the learned Member, Motor Accident Claims Tribunal, South &amp; West at Namchi in MACT Case No.11 of 2008.</p> <p>The only grievance raised by the Revisionist is that the amount of Rs.5,85,500/- as awarded by the learned tribunal was bad on account of the total annual income of the deceased having been taken as Rs.48,000/- instead of Rs.40,000/- as specified in the second schedule attached to the Motor Vehicles Act, 1988.</p> <p>In the course of the hearing today the learned counsel for both the parties submitted at the bar that the respondents having accepted the position that there was mis-calculation by the learned tribunal, they worked out the amount as per the second schedule and on such calculation the amount comes to Rs.4,89,500/- without interest and Rs.5,62,925/- with interest calculated @10% from the date of application till date. Both parties have accordingly prayed for necessary modification for the award.</p>



**CRP No.6 of 2009**

Case No.....

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	ds	<p>In view of the above, the respondents-claimants shall be entitled to the award of Rs.5,62,925/- including interest till date instead of Rs.5,85,500/-. Accordingly, as jointly prayed for the impugned award stands modified. As undertaken by the Revisionist, the above amount under the modified award shall be paid to the respondents within one month from today.</p> <p>Send a copy of this order to the learned tribunal at Namchi for information and compliance.</p> <p>Records of the lower Court be returned forthwith.</p> <p>This petition stands disposed.</p> <div> Judge</div>