IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.998 of 2011

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1. Rajesh Kumar Sah @ Rajesh Sah son of Laxmi Sah

2. Reena Devi W/O Rajesh Kumar Sah, Village – Shura Chaksaho, P.S. Patory, Dist. Samastipur, Bihar

.... Appellants

Versus

1. Md. Shakir son of Md. Quasim Village-Chack Noor, P.S. Mufassil, Dist. Samastipur (Owner of the Offending Jeep No. WDA - 1515)

2. Chief Regional Manager National Insurance Comp. Ltd., Sone Bhawan, R. Block Chauraha, Birsing Patel Path, Patna

.... Respondents

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Appearance :

For the Appellant/s : Mr. Satya Nand Shukla, Advocate

For the Respondent No.1 : Mr. Quamar Raza, Advocate

: Mr. Ashok Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 21-01-2015

Heard learned counsel for the appellants and learned counsel for the respondents.

2. This appeal has been preferred against judgment dated 15.03.2011 and Award dated 23.06.2011 passed by Additional District Judge – 3rd cum Motor Accident Claim Tribunal, Samastipur, in connection with Claim Case No. 14/2007/31/2010, awarding a sum of Rs. 1,50,000/- as compensation against death of Shivani Kumari aged about 10 years daughter of the claimants who was done death on 22nd April 2007 at about 4.30 P.M.

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due to negligent driving of the driver of a Jeep No. WBA 1515.

3. The appeal is confined to a limited question about the quantum of compensation.

4. It is submitted that Claim Tribunal has granted a lump sum amount of compensation of Rs. 1,50,000/- deducting compensation paid, whereas in view of decision of the Apex Court in case of ***Sarla Verma and others Vs. Delhi Transport Corporation and another reported in 2009 (6) SCC 121***; which further stand approved by special Bench of the Apex Court in case of ***Reshma Kumari and another Vs. Madan Mohan reported in 2013 (9) SCC 65***.

5. It is undisputed position that in case of death of the children up to the age of 15 years the notional income is to be considered for the purposes of compensation and it is to be multiplied by twenty with deduction of 50%, in the event, claimants are the parents. Further, in view of the decision of the Apex Court in case of ***Kishan Gopal and another Vs. Lala and others reported in (2014) 1 SCC 244***. It is submitted that the notional income, as per schedule, Rs. 15,000/- per annum has been enhanced to Rs. 30,000/-.

6. Taking into consideration the aforesaid decision of the Apex Court, the Claim Tribunal appear entitled for the compensation as Rs, 30,000/- x 20 divided

by 2 which comes to the tune of Rs. 3,00,000/-.

7. The insurer respondent no. 2 is directed to make payment of the aforesaid amount of Rs. 3,00,000/- with interest at the rate of 6% as awarded by Claim Tribunal from the date of filing, deducting the amount already paid.

8. With the aforesaid modification, this appeal stands disposed of.

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(Akhilesh Chandra, J.