IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.227 of 2014

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The Branch Manager, National Insurance Co. Ltd, Rajendra Nagar, Nawada, at P.O+ P.S+District Nawada.

.... Appellant/s

Versus

1. Dewa Manjhi @ Dashrath Manjhi S/o Late Jago Manjhi
2. Summa Devi Wife of Dewa Manjhi @ Dasrath Manjhi

Both are resident of Village- Kurheta, P .O.- Simariya, P.S- Pakari Barawa, Distt- Nawada.

3. Murari Manohar S/o Sri Bagwan Das, Resident of Mohalla-Jail Road, Nawada, P.O+ P.S+ District- Nawada.
4. Ram Pravesh Prasad S/o Rajendra Prasad. R/o Village Sakchisarai, P.O+ P.S- Griyak, Distt.- Nalanda.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Prakash Kumar
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 08-09-2015

Heard learned the counsel for the appellant.

In this appeal, the appellant is challenging the Judgment and Award dated 2nd August 2013 by which the Tribunal has granted the relief of compensation to the amount of Rs.4,52,000/-.

The short facts of this case is that Mahesh Manjhi met with a road accident and died which led to filing of the compensation case and the Tribunal has granted the aforesaid compensation amount.

It appears from the record that the deceased-victim was returning to his house Kurheta along with his father Dewa Manjhi @ Dashrath Manjhi by cycle and when they reached near Kachna More, one bus bearing registration No. BR1PA-6366 was being driven very rashly and negligently by its driver coming from Sikandra dashed his cycle which led to death of Mahesh Manjhi that generated the present case.

The court below on the basis of notional income of Rs. 3,000/- per month, calculated the compensation amount.

The appellant has submitted that as Mahesh Manjhi was unmarried, there should have been deduction of half but instead of that the Tribunal has deducted $1/3^{rd}$ towards the personal expenditure, he has submitted that on that account it requires interference.

On perusal of the Award it appears that the appellant is right, the Tribunal instead of deducting $1/3^{rd}$ for his personal expenditure, should have been deducted half but the Tribunal has not granted compensation under the heading for future prospects as well as for the love for the parents. If that is added, there will be hardly any change in the quantum of compensation, in the amount of compensation.

In such view of the matter, this Court feels that there is no need to interfere with the Award.

The Tribunal had recorded that the driver of the vehicle was not holding a valid license. In such view of the matter, the Insurance Company, if so advised, will recover the amount from the owner of the vehicle.

Accordingly, this appeal is disposed of with the above observation.

(Shivaji Pandey, J)

Mahesh/-

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