# IN THE HIGH COURT OF JUDICATURE AT PATNA

**Miscellaneous Appeal No.130 of 2011**

======================================================

Oriental Insurance Company, Patna through Sri Anil Kumar Biswal, Dy. Manager-Cum-Duly Constituted Attorney, The Oriental Insurance Company Ltd., Regional Office, Pir Mohani, Kadam Kuan, Patna. --- (Opposite Party No.3)

.....................Appellant

Versus

1. Awdhesh Singh, Son of Late Ram Swaroop Singh. --- (Claimant No.1)
2. Shakuntala Devi, Wife of Awdhesh Singh. --- (Claimant No.2)
3. Rekha Singh, Wife o Late Santosh Singh. --- (Claimant No.3)
4. Kamal Kumari, Daughter of Late Santosh Singh. --- (Claimant No.4)
5. Rajnish, Son of Late Santosh Singh. --- (Claimant No.5)
   All residents of Village-Rani Bigha, P.S.-Rampur Chauram, District-Arwal.
6. Usha Devi, Wife of Shri Kundan Singh, resident of Mohalla-Opposite Buddha Public School, Ashok Nagar, P.S.-Gaya, District-Gaya. --- (Opposite Party No.1)
7. Pramod Kumar, Son of Ram Sagar Sharma, resident of Village-Amhara, P.S. & P.O.- Bihta, District-Patna. --- (Opposite Party No.2)

........................Respondents

======================================================

**Appearance :**

For the Appellant : Mr. Ashok Priyadarshi, Advocate

For the Respondent Nos. 1 to 5 : Mr. Rajesh Kumar, Advocate

======================================================

**CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA**

**ORAL JUDGMENT**

**Date: 23-01-2015**

Heard learned counsel for the appellant and learned counsel for the respondent nos. 1 to 5.

**2.** This is an appeal preferred against the Judgment dated 6th September, 2010 and Award dated 18th December, 2010 passed in M.V. Claim Case No. 489 of 2008 / 112 of 2008 by learned 6th Additional District Judge-Cum-Motor Vehicles Claims Tribunal, Patna.

**3.** It is admitted that 70% of the Award has already been satisfied by the appellant (Insurance) pursuant to the order dated 24th January, 2014 of this Court.

**4.** Since the relevant facts relating to accident and authority of the claimants etc. are undisputed, there is no necessity to go into further details.

**5.** The only point raised in this appeal is that Claim Tribunal Below has not ordered about deduction of income tax at source and also not deducted certain allowances which ought to have been. On the other hand, it is submitted by learned counsel representing claimants-respondent nos. 1 to 5 that the Claim Tribunal Below has also not taken care of the future prospect of the deceased, an Airman, died at the age of 28 years.

**6.** In view of the above, on general calculation it is now considered submission of the Bar that in fact there shall be no substantial difference in the amount of Award.

**7.** Taking into consideration the above, finding no reason to interfere with the Judgment and Award of the Claim Tribunal Below, this appeal stands disposed of.

**8.** As prayed for, the statutory amount of Rs. 25,000/- (Rupees Twenty Five Thousand) shall be remitted to the Claim Tribunal Below for needful.

**(Akhilesh Chandra, J)**

Praveen-II/-

| | | | |
|---|---|---|---|
| U | | | |