IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.138 of 2011

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1. Rukaiya Naz, Wife of Md. Ibrar Khan
2. Md. Ibrar Khan, Son of Anwar Khan
   Both Resident of Village-Muradabad, P.O.-Murasabad, P.S.-Sasaram (M), District-Rohtas.

...........Claimants-Appellants

Versus

1. Ram Ekbal Pandey, Son of Late Bishwanath Pandey, Resident of Village-Kanpura, P.S.-Darwan, District-Kaimur.

...........O.P. No. 1-Respondent

2. The New India Assurance Company Ltd. through its Branch Manager, Branch Office, G.T. Road, Sasaram, District-Rohtas.

...........O.P. No. 2-Respondent

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Appearance :

For the Appellant/s : Mr. Ram Chandra Lal Das, Advocate

For the Respondent No. 2 : Mr. M.P. Jaishwal, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 05-01-2015

Heard the parties.

2. This appeal has been preferred against the judgment dated 8th January, 2010 passed by learned 5th Additional District Judge-Cum-Motor Vehicle Accident Claim Tribunal, Rohtas at Sasaram in Motor Vehicle Claim Case No. 4 of 2002.

3. This is an appeal seeking enhancement of the award granting in favour of the appellants, who are none-else than parents of the deceased, aged about 15 years an student of Class-8.

4. Very limited questions were involved in this appeal as the notional income of the deceased has been considered by the Claim Tribunal Below as Rs. 15,000/- per annum, whereas, as per the appellants, in view of the decision of Hon'ble Apex Court in a case of **"Sarla Verma (Smt) and Others Vs. Delhi Transport Corporation and Another"** reported in **(2009) 6 Supreme Court Cases 121**, it should have been Rs. 30,000/-. At the same time, it is pointed out that the multiplier has been applied at the age of the deceased, whereas, it should have been at the age of the claimants and it is also pointed out that instead of deduction of 50% towards personal expenses etc., it has been only up to 1/3rd.

5. Taking into consideration the facts and circumstances stated above and further there is no dispute raised from the Bar on the point that Rs. 30,000/- income is multiplied by 14 which comes to the tune of Rs. 4,20,000/-, which after reducing half, comes to the tune of Rs. 2,10,000/- wherein Rs. 4,500/- as other expenditures, as awarded by the Claim Tribunal Below, be added making the same to the tune of Rs. 2,14,500/- with an interest at the rate of 6% per annum from the date of filing of claim application till date of payment deducting the amount already paid.

6. With the above modification in the award, as imposed by the Claim Tribunal Below, this appeal stands disposed of.

(Akhilesh Chandra, J)

Praveen-II/-

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