

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3570 of 2019

In
Miscellaneous Appeal No.770 of 2014

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Divisional Manager Bihar State Road Transport Corporation Muzaffarpur
... .. Petitioner/s

Versus

1. Rinku Sinha W/o Late Pravin Chandra Prasad Resident of Mohalla-Kailashpuri, P.s.- Dumra, Distt.- Sitamarhi
2. Shikha Kumari (minor) D/o Late Pravin Chandra Prasad (Under the natural guardian ship of her mother Rinku Sinha), Resident of Mohalla- Kailashpuri, P.s.- Dumra, Distt.- Sitamarhi
3. Kunal Kumar (minor) S/o Late Pravin Chandra Prasad (under the nature guardian ship of her mother Rinku Sinha) Resident of Mohalla- Kailashpuri, P.s.- Dumra, Distt.- Sitamarhi
4. Shanti Devi W/o Late Manic Chandra Mathur Resident of Mohalla-Kailashpuri, P.S.- Dumra, Distt.- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr.Arvind Kumar, Advocate
For the Opposite Party :

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 11-10-2022 Heard the parties.

This application has been filed for restoration of Miscellaneous Appeal No.770 of 2014 which stood dismissed for non-compliance of the peremptory order dated 31.07.2015.

For the reasons mentioned in this application, it is allowed and Miscellaneous Appeal No.770 of 2014 is restored to its original file.

Miscellaneous Appeal No. 770 of 2014

Learned counsel for the appellant has submitted that the multiplier of 16 has been applied though the multiplier of 11



should have been applied in view of the judgment of the Supreme Court in the case of ***Shakti Devi Vs. New India Insurance Company Ltd and anr [2011(1) PLJR (SC) 150]***.

Learned counsel for the appellant has also submitted that the interest awarded at the rate of 9% is too high and the Tribunal could have awarded interest of 6%.

Considered the submission of the appellant. The first submission of the appellant is supported by the judgment of the Supreme Court in the case of ***Shakti Devi V/s New Indian Insurance Company Ltd*** (supra).

The second contention of the appellant is fit to be rejected as it is discretion of the Court as to what percentage of award should be allowed in particular case.

Considering the submissions of the appellant, the appeal is partly allowed. The Tribunal will calculate the award after using the multiplier of 15. The Tribunal will pass a revised award within four weeks from the date of receipt/production of a copy of this order in the Tribunal and release it in favour of the claimants.

(Sandeep Kumar, J)

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