

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.269 of 2011

- =====
1. Rajnee Singh @ Rajnee wife of Late Vijay Kumar Singh,
 2. Pradeep Kumar son of Late Vijay Kumar Singh, both residents of village-Hardi, P.O. Hardi, PS. Kathaiya, Distt-Muzaffarpur.

.... Appellant/s

Versus

1. Jainath Pd. Yadav son of Amir Prasad Yadav resident of village-Karnoul Garh Chaturbhuji, PS. Sahebganj, Distt-Muzaffarpur (owner of the vehicle)
2. Divisional Manager, National Insurance Company Ltd. Moti Jheel, PS.Town, Distt-Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : MR. SUNIL KUMAR PANDEY, ADVOCATE

For the Respondent/s : MR. ASHOK PRIYADARSHI, ADVOCATE

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

Date: 26-11-2015

Heard the parties.

2. During course of argument, learned respective counsels have put reliance upon the judgment rendered by the Hon'ble Apex Court as reported in **(2013) 9 SCC 54** in the case of **Rajesh v. Raghubir Singh** wherein 30% of enhancement has been identified in lieu of future prospect.

3. Counting therefrom, it comes to Rs. 4,5,600/- out of which Rs. 3,12,000/- (Rs. 2000/- for funeral + Rs. 2,500/- as compensation to the applicant = 4,500/-) has already been paid. Now remains Rs. 93,600/- over which learned counsel for the Respondent, Insurance Company (National Insurance Company Limited) has admitted that an interest to the tune of 6% per year since the day of

filing of petition (22.08.2008) till its final payment will be paid at their end.

4. Hence, the instant appeal is disposed of in terms as agreed amongst the parties so indicated above. Let an award be accordingly, prepared.

(Aditya Kumar Trivedi, J)

Patna High Court
26th day of November 2015
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