

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.494 of 2013

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1. Gudiya Devi wife of Shri Mutur Pasi.
 2. Mutur Pasi son of Late Parikh Pasi.
- Both resident of village Rajpur, district Rohtas.

.... Appellant/s

Versus

The Oriental Insurance Company, Munger & Anr.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Singh

For the Respondent/s : Mr. Bimlesh Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

8 23-09-2015

Heard counsel for the appellants and the respondents.

In the case, counsel for the appellant has claimed that the amount that has been computed by the Tribunal is on the lower side and it should be enhanced in terms of law laid down by the Hon'ble Supreme Court in the case of Kishan Gopal and another v. Lala and others reported in (2014)1 SCC 244.

In the present case, the victim is a girl of 5 years and was killed in an accident by a city-ride bus bearing Regd. No. BR-24P / 1243 on account of negligent driving of the driver which led to filing of MV Claim Case No. 175 of 2010 and the Tribunal on the basis of notional income has calculated the amount of compensation at Rs.1,57,500/-.



Counsel for the appellants submits that the amount that has been calculated is not in terms of latest judgment of the Hon'ble Supreme Court in the case of Lala (supra) and, accordingly, it should be enhanced to Rs.5,00,000/- whereas counsel for the Insurance Company has resisted the claim of the applicant and said that Lala case (supra) has been considered by this Court in Kaushlya Devi v. Jawahar Lal Rawat in M.A.No. 126 of 2004 and the Court has calculated the amount of Rs.3,00,000/- with six per cent interest so much so that he has also submitted that the issue with regard to amount of compensation on account of death of a minor has been considered in Reshma Kumari and another v. Madan Mohan reported in (2013)9 SCC 65 and Puttamma v. K.L.Narayana Reddy (2013)15 SCC 45. This Court in M.A.No.311 of 2013 (Iffco Tokio General Insurance Company Limited, v. Raj Kumari) has elaborately discussed all the judgments, except the order of this Court and has followed Lala case (supra) and directed to compute the amount of award in terms of aforesaid judgment.

In such view of the matter, this case is also disposed of in terms of judgment of aforesaid case and directs that the court below should prepare the award in terms of Lala case (supra)

to the tune of Rs.5,00,000/- but the appellant will be entitled to the interest at the rate of 6 per cent from the date of t he award.

Accordingly, this petition is allowed to the aforesaid extent.

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(Shivaji Pandey, J)