

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.160 of 2014

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1. The Royal Sundaram Alliance Insurance Company Limited, Jamshedpur,
Appeal & Appellant Through The Zonal Head (Legal), 2nd Floor,
Subramaniam Building No. 1, Club House Road, Annasalai, Chennai-
600002. Appellant.

Versus

1. Parva Devi W/O Late Krishna Paswan
2. Rajesh Kumar S/O Late Krishna Paswan
3. Puspha Kumari D/O Late Krishna Paswan
4. Bibha Kumari D/O Late Krishna Paswan All Are Residents of Village
Nigritola, Vakilganj, P.S. Dobhi, P.O. Dobhi, District Gaya.
5. Mr. Dharmendra Kumar Gupta S/O Dina Nath Gupta Resident of Village
Dobhi, P.O. & P.S. Dobhi, District Gaya (Owner Of Vehicle).

.... Respondents.

WITH

Miscellaneous Appeal No.644 of 2014

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1. Parwa Devi W/o Late Krishna Paswan
2. Rajesh Kumar S/o Late Krishna Paswan
3. Pushpa Kumari Minor D/o Late Krishna paswan
4. Bibha Kumari Minor D/o Late Krishna Paswan (both minor daughters of
Late Krishna Paswan are under the guardianship of her mother Parwa Devi)
All Resident of Village Nigri Tola Vakilganj, P.S. Dobhi, District Gaya.

.... Appellants.

Versus

1. Manager (Legal) The Rooyal Sundaram Allinance Insurance Company
Ltd., Ist Floor, Sorinto Building 6, Lattice Bridge, Adyar Chennai-600020.
Insurer of vehicle bearing its registration No. HR-74/2548.
2. Dharendra Kumar Gupta S/o Dina Nath Gupta Resident of Village and
P.O. and P.S. Dobhi, District Gaya (Owner of truck no. Hr-74/2548).

.... Respondents.

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Appearance :

(In MA No.160 of 2014)

For the Appellant/s : Mr. Durgesh Kumar Singh, Adv.
Mr. Rajesh Chandra Narayan, Adv.

For the Respondent/s : Mr. Shailendra Kumar, Adv.

(In MA No.644 of 2014)

For the Appellant/s : Mr. Shailendra Kumar, Adv.

For the Respondent/s : Mr. Durgesh Kumar Singh, Adv.
Mr. Rajesh Chandra Narayan, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

13 18-12-2017

As both the aforesaid appeals have been preferred against



the same judgment and award, with consent of both the parties, both these appeals are being taken up together for disposal at this stage itself by a common order.

Heard appellant nos.1 & 2 of M.A. No.644 of 2014 who have put their appearance in person before the court and learned counsels of both the parties.

Misc. Appeal No.160 of 2014 has been preferred by the Royal Sundaram Alliance Insurance Company Limited against the judgment dated 31.08.2013 and award dated 24.07.2014 passed by the Ad hoc Additional District Judge-I-cum-M.A.C.T., Gaya in Claim Case No.2 of 2013/27 of 2011, whereby the learned Tribunal has directed opposite party no.1 of the said case to pay compensation to the tune of Rs.10,28,000/- along with simple interest at the rate of 8% per annum from the date of order i.e. 31.08.2013 till the date of realization and Misc. Appeal No.644 of 2014 has been preferred against the aforesaid judgment and award by the claimants.

Appellant nos.1 & 2 of M.A. No.644 of 2014 who are present before the court and learned counsels of both the parties fairly submitted that they have settled their claims at Rs.10,00,000/- (Rupees Ten Lakhs) in all after deducting Rs.50,000/- already paid to the claimants under Section 140 of the



M.V. Act.

On the aforesaid submission of parties and in view of settlement arrived between them, the Royal Sundaram Alliance Insurance Company Limited is directed to pay remaining amount of Rs.9,50,000/- to the claimants within a period of one month from the date of receipt/production of a copy of this order.

As appellant no.4 of M.A. No.644 of 2014 is presently minor, appellant no.1 of said appeal is directed to deposit her share in the aforesaid amount of compensation in the name of the aforesaid minor in some Nationalized Bank of India having branch in the local area of the resident of the appellants in some fixed deposit scheme renewable after every five years till attaining majority by the said minor.

Let the statutory amount deposited by the Royal Sundaram Alliance Insurance Company Limited be sent down to the learned lower court in the name of appellant no.1 of M.A. No.644 of 2014.

Accordingly, both these appeal stands disposed of with the aforesaid modification in the impugned judgment and award.

(Prakash Chandra Jaiswal, J)

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