

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.793 of 2012

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The Divisional Manager United India Insurance Company Limited, Suraksha Bhawan, Akharaghat, P.S- Town, Distt- Muzaffarpur, Appeal And Appellant through the Manager, & Constituted, Attorney, Regional Office, United India Insurance Company Limited, 3rd Floor, Chanakya Towers, R- Block, Patna.

.... Appellant/s

Versus

1. Shail Devi @ Shaili Devi W/o Sri Ram Sogarath Mandal permanent resident of Village- Sobhan Dah, P.O- Lalsahpur, P.S- Simri, Distt- Darbhanga, present address Village Ahiyapur, P.S- Ahiyapur, Distt- Muzaffarpur.
2. Ram Sogarath Mandal S/o Ajuni Mandal permanent resident of Village- Sobhan Dah, P.O- Lalsahpur, P.S- Simri, Distt- Darbhanga, present address Village Ahiyapur, P.S- Ahiyapur, Distt- Muzaffarpur.
3. Shailendra Kumar S/o C.B. Sinha resident of Village- Jahangirpur, P.O- Dhalwarapur, P.S- Gayaghat, Distt- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Durgesh Kumar Singh

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA

JAISWAL

ORAL JUDGMENT

Date: 11-09-2017

No one turned up on behalf of the respondents.

2. Heard learned counsel for the appellants on this Miscellaneous Appeal and perused the records.

3. This appeal has been filed against the Judgment dated 25.06.2012 and Award dated 07.07.2012 passed by 6th Addl. District Judge-cum-Motor Vehicle Accident Claim Tribunal, Muzaffarpur in Claim Case no. 250 of 2006 whereby the learned Tribunal allowing the claim petition, directed the appellant (United India Insurance Company Ltd.) to pay final amount of compensation



to the tune of Rs. 3,14,500/- with simple interest @ 6% per annum from the date of filing of the case to the claimants.

4. Factual matrix of the case is that the parents of the deceased (Sunil Mandal) has filed the Claim Case no. 250 of 2006 under Section 166 of the M.V. Act for awarding compensation against owner and insurer of the offending vehicle with the case in succinct that on 23.09.2006 at about 11:30 AM, Sunil Mandal was going to purchase a pencil from his school and when he arrived near Sobhan Bridge at Kachcha flank of the road, a commander jeep bearing registration no. BR 7P-1054 being rashly and negligently driven by its driver dashed him resultantly he died on the spot. Regarding the said accident, Simari P.S. Case no. 118 of 2006 was instituted. The deceased was aged about 15 years and was student of class-V.

5. The owner and Insurance Company put their appearance in the case and filed their separate written statement.

6. After hearing the parties and perusing the record, learned lower court passed the impugned Judgment and Award.

7. Being aggrieved and dissatisfied with the aforesaid Judgment and Award, the appellant (United India Insurance Company) has preferred the present appeal assailing the quantum of compensation awarded by Tribunal.



8. On the perusal of record, it appears that the learned Tribunal has assessed the compensation amount to the tune of Rs.3,64,500/- finding the deceased aged about 15 years. As the deceased was student aged about 15 years at the time of accident and has met unfortunate and untimely death in the motor vehicle accident, hence, considering the facts and circumstances of the case and career of the deceased, prevailing economic era and price inflation, in my considered opinion, the compensation amount awarded by learned Tribunal appears to be just and proper. Hence, the impugned Judgment and Award is upheld. This appeal has no substance in it and is accordingly dismissed.

9. Let the statutory amount deposited by the appellant be sent to the learned Tribunal towards adjustment in the payment of compensation amount.

(Prakash Chandra Jaiswal, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.09.2017
Transmission Date	18.09.2017

