

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.473 of 2014**

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1. Shiv Kumari Devi W/o Firdaya Ray Resident of Village- Kalyanpur,  
P.O.- Chanwara, P.S. Aurai, District- Muzaffarpur..... .... Appellant/s

Versus

1. Anil Kumar Singh S/o Sri Rajendra Singh (Owner) Resident of Village-  
Rampurchurd, P.S. Sahebganj, District- Muzaffarpur.

2. The Divisional Manager (Insurance Co.) National Insurance Co. Ltd.,  
Near P.N.T. Colony, Mithanpura, Muzaffarpur. .... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sunil Kumar Pandey

For the Respondent/s :

For the National Insurance: Mr. Sanjay Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      20-07-2017                      This appeal has been filed against the impugned judgment and award dated 09.04.2014 and 28.04.2014 passed in Claim Case No. 269/11 by which the learned Additional Judge-Cum-Motor Vehicle Accident Claim Tribunal, Muzaffarpur has granted an award for Rs. 1,64,250/- and after deducting Rs. 50,000/- had already been paid to the claimant as interim compensation, directed to pay Rs. 1,14,250/- with 6% simple interest.

The appellant has challenged the aforesaid judgment and award on wrong deduction on contributory negligence as well as enhancement of the award amount.

After some argument, learned counsel for the appellant conceded the prayer for enhancement and submitted



calculation of the learned Court below of Rs. 9,500/- against funeral and other expenses is against the settled law.

Learned Counsel for Insurance Company opposed the same.

Considering the discussions made above, it appears that in loss of estate towards funeral expenses, towards with love and affection and loss of estate is quite less.

In such view of the matter, it appears that to meet the ends of justice Rs. 9500/- rewarded to the claimant is enhanced to Rs. 1,00000/-. The appellant is entitled lump sum amount of Rs.1,00000/- in addition to Rs. 9500/- allowed, towards the funeral expense, loss of estate and for love and affection. The amount shall carry interest @ 6% P.A, simple interest from the date of institution of the case. Insurance Company is directed to pay the amount with interest directed above within 60 days.

With the above direction, this appeal is partly allowed.

**(Vinod Kumar Sinha, J)**

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