

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.459 of 2008

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1. Bindul Bhuian S/o Rampati Bhuian
 2. Basanti Devi W/o Bindul Bhuian
 3. Punni Kumari D/O Bindul Bhuian
 4. Nanki Kumari D/O Bindul Bhuian
 5. Sunita Kumari D/O Bindul Bhuian
 6. Santan Bhuian S/O Bindul Bhuian

All Resident of Village- Jai Prakash Nagar (Pokhra Par) P.O. & P.S. Dobhi,
District Gaya, Appellants No.3 to 6 are minor and they are under the
guardianship of Appellant No.1 & 2 who are their parents.

.... Applicants- Appellant/s

Versus

1. New India Assurance Co. Ltd through its Divisional Manager Nagmatia Road,
Gaya, District-Gaya.
2. Rajendra Nath Mehta S/o Sri AminChandra, Mehta Shop No.151 Tikno Park,
Faridabad (Maryana).

.... Opposite Parties-Respondent/s

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Appearance :

For the Appellants : Mr. Ravindra Kumar Sinha, Advocate

For the Respondent No.1 : Mr. Durgesh Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 20-07-2017

This is an appeal under Section 173 of the Motor Vehicles
Act for enhancement of compensation awarded to the appellants, who
are the parents and minor brother and sisters of the deceased Jhuni
Kumari, who died in a road accident on 04.11.2001. She was 18 years



old girl and it was said that she used to sell green vegetables and earn Rs.3,000/- per month. However, on account of there being no documentary evidence in support of the aforesaid, learned Tribunal disbelieved the same and awarded a total compensation of Rs.90,000/- without any much discussion as to how and in what manner, the compensation has been assessed.

Having heard learned counsel for the parties, I am of the considered view that as the deceased was 18 years old girl, the compensation should have been assessed by calculating notional income by applying the multiplier of 18 and granting certain benefits to the parents on account of loss of love and affection etc. Calculating the compensation on the aforesaid basis, the compensation comes around Rs.3,49,000/- and to that if a sum of Rs.50,000/- towards love and affection is added, the compensation comes to Rs.3,99,000/- and, therefore, interest of justice would be met in case total compensation at Rs.4,00,000/- is awarded to the claimants.

Accordingly, the compensation is assessed at Rs.4,00,000/- and deducting a sum of Rs.90,000/- already paid along with interest by the New India Assurance Company Limited, Respondent No.1, the remaining amount along with interest at the rate of 6% per annum on the enhanced amount with effect from the date of the award, i.e. 03.04.2008 be now paid to the claimants by the



Insurance Company within a period of 60 days from the date of receipt of a certified copy of the order.

With the aforesaid, the appeal stands disposed of.

(Rajendra Menon, CJ)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.07.2017
Transmission Date	

