IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.275 of 2015

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1. Kavita Singh widow of Late Dilip Singh
2. Sharda Devi, Mother of Late Dilip Singh
3. Vijay Singh Father of Late Dilip Singh
4. Adarsh Minor Son of Late Dilip Singh All are resident of Rewa Basantpur P.O. Rewa, P.S. Saraiya, District- Muzaffarpur.

.... Appellant/s

Versus

1. The Divisional Manager, The National Insurance Company Ltd.- Siwan, Branch Office, Siwan, District- Siwan.
2. Dharmendra Kumar Verma son of Keshav Prasad Verma, resident of Mohalla- & P.O. & P.S. Rajendra Path Siwan, District- Siwan.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Ajay kr Singh No.1
For the Respondent/s : Mr. Ashok Priyadarshi

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 13-07-2017

With regard to the award passed by the 6th Additional District Judge-cum-Motor Accident Claim Tribunal, Muzaffarpur on 23.03.2015 awarding a compensation of Rs. 4,28,000/- on account of death of Dilip Kumar Singh, husband of appellant No. 1 Kavita Singh, son of appellant No. 2 Sharda Singh and appellant No. 3 Vijay Singh and father of minor children, this appeal has been filed under Section 173 of the Motor Vehicles Act.

Even though it is stated that the deceased was

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working with his father in a brick factory as a Manager and was earning Rs. 12,000/- per month, learned Court has discussed in detail various aspects of the matter and on account of there being no documentary evidence in support of all these aspects, has rejected the claim.

In my considered view, once the claimants claim the deceased to be a partner working as a Manager in his father's brick factory, there must be some statutory documents proof required to be produced. Learned Court has not believed the oral evidence and has assessed the compensation by treating the monthly income of the deceased by 3000 per month and in doing so, no error has been committed by the learned Court. However, after doing so, keeping in view the claimant No. 1, wife of the deceased, she would be entitled to a consortium of Rs. 1,00,000/- and claimant No. 4, minor children a sum of Rs. 1,00,000/- towards loss of love and affection. To that effect, the appeal has to be allowed accordingly.

Accordingly, the amount of compensation is enhanced by RS. 1,00,000/- towards loss of consortium in place of Rs. 10,000/-. The consortium amount is enhanced by Rs. 90,000/- and to this, a further sum of Rs. 1,00,000/- towards love and affection. Accordingly, the amount is enhanced by Rs. 1,90,000/- to be paid by the Insurance Company to the claimants within a period of sixty days.

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With the above, the application stands disposed of.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18/07/2017
Transmission Date	NA

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