

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.229 of 2014

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1. Sumitra Devi Wife of Late Jitendra Kumar @ Jitendra Kumar Singh
 2. Rakesh Kumar Son of Late Jitendra Kumar @ Jitendra Kumar Singh
 3. Mukesh Kumar Son of Late Jitendra Kumar @ Jitendra Kumar Singh
 4. Sukesh Kumar Son of Late Jitendra Kumar @ Jitendra Kumar Singh All are resident of Village- Chicksaura, Police Station- Shakurabad, District- Jehanabad.

.... Appellant/s

Versus

1. Janardhan Singh Son of Late Lalan Singh At Shivastan Station Road- Burnpur, District- Vardwan (West-Bengal), Driver of B.R.1AP-4150 Mini Bus.
2. Sandip Kumar Son of Manohar Prasad Janakdhari Lal Road Danapur, Cantt, Patna-Owner of BR.1AP-4150, Mini Bus.
3. Divisional Manager D.O. II, the Oriental Insurances Co. Ltd., Jaintpur, Kothi, Bank Road, Patna, Back to Biscoman Bhawan, Insurer of B.R. 1AP.4150, Mini Bus.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Bimlesh Kumar Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 13-07-2017

Having heard learned counsel for the parties, except for the fact that in the head of loss of estate, funeral expense and loss of consortium a sum of Rs.9500/- has been granted, I find no error in the award passed awarding a compensation of Rs.4,41,500/- against a claim made originally for a sum of Rs.4,50,000/-.

However, keeping in view the law laid down in the case of Rajesh And Ors. Vs. Rajbir Singh And Ors., (2013) 9 SCC 54, the total amount payable for the loss of consortium, loss of estate,



funeral expense is enhanced to Rs.1,00,000/- and after deducting the amount already paid, the remaining amount be deposited by the Insurance Company with the trial court for payment to the petitioner within 60 days.

The appeal stands allowed in part.

(Rajendra Menon, CJ)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.7.2017
Transmission Date	N/A

