

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.387 of 2010

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1. Sunita Devi, W/O Sri Lallan Kumar,
 2. Lallan Kumar, S/O Late Muni Lal,
Both R/O Village- Sariya, Makhdumpur, P.S.- Makhdumpur, Distt.- Jehanabad
At Present Mohalla- Murarpur, P.S.- Kotwali, Distt.- Gaya.

.... Applicants-Appellant/s

Versus

1. Oriental Insurance Company Ltd. through its Divisional Manager, Ray Kashinath More, Gaya.
2. Sri Ashok Ranjan, S/O Sri Rajbali Sharma, Vill.- Samarkand Ghoshi, Distt.- Jehanabad At Present Mohalla- Mahavir Colony, Chandauti, Distt.- Gaya.

.... Opposite Parties-Respondent/s

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Appearance :

For the Appellants : Mr. Ravindra Kumar Sinha, Advocate

For the Respondent No.1 : Mr. Bimlesh Kr. Jha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 20-07-2017

The delay in filing of this Appeal is condoned.

Interlocutory Application No.4750 of 2010 stands allowed and
disposed of.

Sri Bimlesh Kumar Jha, Advocate, is directed to take notice on behalf of Respondent No.1, Oriental Insurance Company Limited, and assist this Court in the matter of disposal of this case. This appeal has been filed in the year 2010. It is listed under the heading, 'office notes' due to non-appearance of Respondent No.2. Considering the fact that the appeal is pending for more than seven years now and only a very short question involved in the matter and as compensation is to be paid on account of death of a small child aged 3 years, I deem it appropriate to direct Sri Bimlesh Kumar Jha to take notice on behalf of



Insurance Company, Respondent No.1, and propose to dispose of the matter by hearing all concerned.

On 08.06.2008, an accident took place involving a Mini Bus bearing Registration No. BR-2B-4706 owned by respondent No.2 and insured with Respondent No.1, Insurance Company, in which small child aged three years died. On account of his death, a compensation of Rs.2,25,000/- was claimed and the learned Tribunal gave a compensation of only Rs.1,00,000/-. The applicants are parents of the deceased child. They are working as labourer in the village in question and taking note of the totality of the circumstances, I am of the considered view that the interest of justice would be met in case the entire claim made amounting to Rs.2,25,000/- is allowed.

Accordingly, this appeal is allowed. The amount of compensation is enhanced to Rs.1,25,000/-. The same shall be paid to the appellants within 60 days from the date of receipt of a certified copy of the order.

(Rajendra Menon, CJ)

Sunil/-

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

