

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.721 of 2013

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1. Kiran Devi W/O Late Anil Kumar Singh Resident Of Village Jamuhar, P.O. Jamuhar, P.S. Dehri, District Rohtas.
 2. Himanshu Kumar S/O Late Anil Kumar Singh Resident Of Village Jamuhar, P.O. Jamuhar, P.S. Dehri, District Rohtas.
 3. Kajol Kumari (Minor) D/O Late Anil Kumar Singh (Ninor Daughter Is Represented Through Her Mother And Natural Guardian Namely Kiran Devi) Resident Of Village Jamuhar, P.O. Jamuhar, P.S. Dehri, District Rohtas.
- Appellants

Versus

1. The Branch Manager, National Insurance Company Ltd., Sanction 85, G.B. Road, Gaya, Bihar-823001, Through The Branch Manager, National Insurance Company Ltd., Branch Office G.T. Road, Sasaram, Rohtas-821115 (Insurer Of The Truck No. Up-67t-2029).
 2. Harendra Kumar Singh S/O Surendra Pratap Singh Resident Of Village Bhaishana, P.O. Manikpur, P.S. Indrapuri, Dehri, District Rohtas (Owner Of The Truck No. Up-67t-2029).
- Respondents
- =====

Appearance :

For the Appellants : Mr. Siddharth Harsh, Advocate
For the Respondents : Mr. Ashok Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 18-04-2018 It is agreed between the parties that in view of the application of wrong multiplier and other reasons there is some error in the impugned quantification arrived at by the Tribunal in MV Claim case no. 5 of 2011. The award of the said claim dated 19.9.2012 is under challenge in the proceedings.

In view of the agreed position between the parties, no useful purpose will be served to keep the instant appeal pending. The matter is therefore remanded to the Motor Vehicle Accident Claims Tribunal, Rohtas at Sasaram to reexamine/re-calculate the amount of compensation applying the



correct multiplier and in respect of the future prospect and other claims in terms of the law laid down by the Hon'ble Apex court in case of **National Insurance Company Limited Vs. Pranay Sethi**, reported in **2017(4) PLJR (SC) 261**.

Learned counsel for the appellant submits that he will appear before the court below with a certified copy of this order within four weeks from today and on his appearance before the court below the matter may be directed to be expedited since the issue has been pending since long.

Upon appearance of the parties, the court below, in view of the limited issue which remains for consideration, may dispose of the appeal by requantifying the amount in accordance with law as noted above within a period of four weeks thereof.

The appeal is disposed of.

(Madhuresh Prasad, J)

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