

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.282 of 2016

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1. Most. Genda Devi, wife of late Janardan Prasad Singh,
 2. Seema Kumari, daughter of late Janardan Prasad Singh,
 3. Sarawan Kumar @ Sarwan Kumar Singh,
 4. Dhananjay Kumar, both are son of late Janardan Prasad Singh, all resident of village-Azalganj, P.O.-Sasaram, Dist.-Rohtas

.... Appellant/s

Versus

1. Sri Ashok Kumar Singh, son of Sri Balram Singh, resident of village-Reriya, PO-Telari, District- Rohtas, &
2. National Insurance Company Ltd. through its Branch Manager, Near Prakas Petrol Pump, Sasaram, Rohtas.

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent No.1: Mr. Ravindra Kumar, Advocate

For the Respondent No.2: Mr. Ashok Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 19-09-2018

None appeared on behalf of the Appellants. On the last date also, none appeared on behalf of the Appellants.

Counsel for Respondent No.2- National Insurance Company is present. Counsel for the Respondent No.1 is also present.

Instant appeal has been filed against the judgment and award dated 23.11.2015 and 23.12.2015 passed by the District Judge-cum-Motor Vehicle Accident Claims Tribunal, Rohtas at Sasaram, in M. V. Claim Case No.46 of 2003 for enhancement of the amount of compensation awarded by the tribunal.



This Court after perusing the impugned judgment finds that the learned Tribunal has properly adjudged the income of the deceased and applied multiplier of eight keeping in view the age of the deceased as 57 years.

This Court is not inclined to interfere with aforesaid findings of the learned Judge.

However, this Court relying on judgment of the Hon'ble Supreme Court in the case of *National Insurance Company Ltd. Vs. Pranay Sethi* reported in **2017(4) PLJR (SC) 261**, wherein, in para 61, it has been held that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively, feels that amount of Rs.25,000/- awarded by the learned Tribunal towards other traditional head requires to be modified to that extent.

Accordingly, amount of Rs.25,000/- under the traditional head awarded by the learned Tribunal is modified to Rs.70,000/-.

This Misc. Appeal is, accordingly, disposed off with modification in the amount of traditional head.

The Respondent No.2-Insurance Company will make payment of the amount of compensation awarded by the Tribunal along with modified amount of traditional head, as ordered by this



Court, to the Appellants within a period of three months from the date of receipt of copy of this judgment, failing which Appellants will be at liberty to take appropriate action in accordance with law.

(Sanjay Priya, J)

J.Alam/-

AFR/NAFR	AFR
CAV DATE	N/A
Uploading Date	26-09-2018
Transmission Date	26-09-2018

