IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.64 of 2015

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1. Dharamsheela Devi, wife of Late Tej Narayan Singh
2. Santosh Kumar, S/o Late Tej Narayan Singh
3. Raju Kumar S/o Late Tej Narayan Singh
4. Khusbu Kumari D/o Late Tej Narayan Singh

Claimant No. 4 is minor and under natural guardianship of her mother, appellant No.1.
All residents of village- Daudpur, P.S. Bidupur, District- Vaishali.

... ... Appellant/s

Versus

1. Bunty Kumar S/o Jamuna Prasad R/o NH-39, Karbighaiya, District- Patna.
2. Arun Kumar Singh S/o Ram Kishore Singh R/o Hajiganj Chowk, Patna City.
3. United India Insurance Company Ltd. through

(A) Branch Manager, United India Insurance Company Ltd. Ramashish Chowk, Hajipur.
(B) Branch Manager, United India Insurance Company Ltd. 104, First Floor, Vrindavan Kunj, Exhibition Road, Patna.

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Alok Kumar @ Alok Kr Shahi, Adv.
	:	Mr. A. Sinha, Adv.
For the Respondent/s	:	Mr. Ashok Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
Date : 16-07-2019

Heard the parties.

2. This appeal under Section 173 of M.V. Act, 1988 has been filed on behalf of claimants/appellants for enhancement of compensation amount awarded by judgment dated 31.07.2014 and Award dated 08.08.2014 passed by Ad hoc Additional District Judge-II-cum-M.A.C.T., Hajipur, Vaishali, in Claim Case No. 95 of 2010 by which the claims Tribunal has found claimants to be entitled for compensation of Rs.

4,09,500/- and directed to pay said compensation with interest @ 6% p.a from date of filing of claim application till its payment after deducting Rs. 50,000/-, if paid, as interim compensation.

3. Appellants/Claimants widow, sons and daughters of deceased Tej Narayan Singh filed claim application for grant of compensation of Rs. 8,00,000/- (Eight lacs) on account of death of Tej Narayan Singh in a motor accident. Deceased Tej Narayan Singh was aged 40 years and his monthly income was Rs. 5,000/- at the time of death who died in motor accident caused by bus which was being driven in a rash and negligent manner and at the time of accident offending motorcycle was insured with United India Insurance Company Ltd.

4. On the basis of evidence on record, the learned Claims Tribunal assessed the annual income of deceased to be Rs. 36,000/- and deducted Rs. 9,000/- (1//4th) towards his personal expenses and assessed loss of dependency to be Rs. 27,000/- p.a. and age of the deceased to be 40 years and applied multiplier of 15 to quantify the compensation amount which comes to Rs. 4,05,000/-. Further under conventional head claims tribunal has awarded Rs. 2,500/- for funeral expenses Rs. 2,000/- for loss of estate and has assessed Rs. 4,09,500/- to be

just and proper compensation and has directed the United India Insurance Company Ltd. to pay compensation of Rs. 4,09,500/- with interest @ 6% p.a. from the date of filing of claim case till its realization.

5. Aggrieved by the quantum of compensation claimants/appellants have filed the present appeal. It has been submitted on behalf of counsel for the appellants that claims tribunal ought to have assessed the monthly income of deceased as Rs. 4,000/- as oral evidence to that effect was led by the claimants and there was no reason to disbelieve it as deceased was admittedly engaged in business of Banana, as such his income on notional basis of Rs. 100/- per day was not to be assessed, as such, this Court deems it just and proper to assess the monthly income of deceased to be Rs. 4000/- and Rs. 48,000/- p.a. which will be realistic and proper. It has been further argued that no future prospect has been granted as such 25% is to be added towards future prospects as well as Rs. 70,000/- under conventional heads.

6. After hearing the counsel for the appellants and respondents, this Court re-assesses quantum of compensation for which claimants are entitled in terms of judgment and order passed by the Apex Court in case of *Sarla Verma and Ors vs.*

Delhi Transport Corporation and Others since reported in (2009) 6 SCC 121 and in the case of *National Insurance Company Ltd. vs. Pranay Sethi & Ors since reported in (2017) 16 SCC 680.*

Annual Income	Rs. 48,000/-
Future Prospect(25%)	Rs. 12,000/-
Total income (p.a)	Rs. 60,000/-
Personal expenses (1/4th)	Rs. 15,000/-
Loss of dependency	Rs. 45,000/- p.a.
Multiplier 15	
Compensation	Rs. 6,75,000/-
Conventional heads	Rs. 70,000/-
Total	Rs. 7,45,000/- (Seven lacs forty five thousand only)

7. Claimants are entitled for compensation amount of Rs. 7,45,000/- (Seven lacs forty five thousand only). Accordingly, award is modified to this extent.

8. United India Insurance Company Ltd. respondent is directed to pay the remaining amount of compensation after deducting the compensation amount already paid from Rs. 7,45,000/- and pay the remaining compensation amount @ 6% interest p.a. from the date of claim application till its payment

on the remaining compensation amount to be paid within two months from the date of receipt/production of a copy of order passed by this Court.

9. The Miscellaneous appeal is disposed of.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
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