

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.81 of 2015

1. Sonamukhi Devi W/o Late Sukan Singh,
2. Bijendra Kumar, S/o Late Sukan Singh,
3. Rajdev Singh @ Maharaj Singh, S/o Late Chitravahal Singh,
4. Paudharia Devi, W/o Rajdev Singh @ Maharaj Singh, All Residents of Village - Kansopur, P.S. Arwal, District - Arwal.

... .. Appellant/s

Versus

1. Chandra Shekhar Kumar S/o Ram Bhawan Singh, Resident of Village - Tejan Bigha, P.O. + P.S. Rampur Chaura District - Arwal.
2. Lal Deo Singh, S/o Ram Bhawan Singh, Resident of Village - Tejan Bigha, P.O.+ P.S. - Rampur Chaura, District- Arwal.
3. Divisional Manager, DO. - 1, United India Insurance Co. Ltd., Time of India Building, frazer Road, Patna Road, Patna.

... .. Respondent/s

Appearance :

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

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 28.03.2011 and Award dated 05.02.2015 passed by Additional District Judge-IX-cum-M.A.C.T., Patna in Claim Case No. 271 /09 by which the claims Tribunal has found claimants to be entitled for compensation of Rs. 3,69,500/- and



directed to pay a compensation of Rs. 3,19,500/- (three lacs nineteen thousand and five hundred only) with interest @ 6% p.a from date of filing of claim application till its payment after deducting Rs. 50,000/- paid as interim compensation.

3. Appellants/Claimants widow, son and parents of deceased Sukan Singh filed claim application for grant of compensation of Rs. 3,50,000/- on account of death of Sukan Singh in a motor accident. Deceased Sukan Singh was aged 45 years and his monthly income was Rs. 3,000/- at the time of death who died in motor accident caused by motorcycle 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. 12,000/- (1/3rd) towards his personal expenses and assessed loss of dependency to be Rs. 24,000/- p.a. and age of the deceased to be 45 years and applied multiplier of 15 to quantify the compensation amount which comes to Rs. 3,60,000/-. Further under conventional head claims tribunal has awarded Rs. 2000/- for funeral expenses Rs. 2,500/- for loss of estate and Rs. 5000/- for loss of consortium and has



assessed Rs. 3,69,500/- to be just and proper compensation and since Rs. 50,000/- was already paid as interim compensation has directed the United India Insurance Company Ltd. to pay compensation of Rs. 3,19,500/- 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 deducted 1/4th towards personal expenses, however, it has deducted 1/3rd towards personal expenses. Claimants are widow, son, mother and father. Father cannot be said to be dependent upon deceased, as such, claims tribunal has rightly deducted 1/3rd towards personal expenses of deceased. 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. The counsel for the respondent/Insurance Company has stated that claims tribunal has wrongly applied multiplier of 15 whereas as per judgment and order of Apex Court in case of Sarla Verma appropriate multiplier should be 14 as the age of deceased has been assessed as 45 years.

6. After hearing the counsel for the appellants and



respondents, this Court re-assesses quantum of compensation for which claimants are entitled on the admitted facts 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. 36,000
Future Prospect(25%)	Rs. 9,000/-
Total income (p.a)	Rs. 45,000/-
Personal expenses (1/3rd)	Rs. 15,000/-
Loss of dependency	Rs. 30,000 p.a.
Multiplier 14	
Compensation	Rs. 4,20,000/-
Conventional heads	Rs. 70,000/-
Total	Rs. 4,90,000/- (Four lacs ninety thousand only)

7. Claimants are entitled for compensation of Rs. 4,90,000/- (Four lacs ninety thousand only). Accordingly United India Insurance Company Ltd. respondent is directed to pay the remaining amount of compensation after deducting the compensation amount already paid from Rs. 4,90,000/- 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.

8. The Miscellaneous appeal is disposed of.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	10.10.2019
Transmission Date	N.A.

