

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.513 of 2015

1. Anju Kumari W/o Surendra Prasad Singh
2. Surendra Prasad Singh S/o Ram Ekbal Singh Both residents of Village - Gaurichak, P.S. - Gaurichak, Distt. - Patna.

... .. Appellant/s

Versus

1. Mithilesh Kumar S/o Fulgan Thakur, Uday Place, P.S. - Danapur, District - Patna.
2. Mr. Chandeshwar Saw S/o Sri Bihari Saw At - Bibiganj, Sultanpur, Danapur, District - Patna.
3. Divisional Manager, D.O. - 1, New India Assurance Company Ltd. Red Crossing Building Near Gandhi Maidan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Alok Kumar @ Alok Kr Shahi, Adv.
	:	Mr. A. Sinha, Adv.
For the Respondent/s	:	Mr. Manish Kishore, Adv
	:	Mr. B.B. Chandra, 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 23.03.2015 and Award dated 28.08.2015 passed by Additional District Judge-X-cum-M.A.C.T., Patna, in Claim Case No. 16 of 2011 (Trial No. 2734/14) by which the claims



Tribunal has found claimants to be entitled for compensation of Rs. 4,36,000/- and directed to pay Rs. 3,86,000/- compensation with interest @ 6% p.a from date of filing of claim application till its payment after deducting Rs. 50,000/- which was paid as interim compensation.

3. Appellants/Claimants are parents of deceased Pappu Kumar filed claim application for grant of compensation of Rs. 6,00,000/- (six lacs) on account of death of Pappu Kumar in a motor accident. Deceased Pappu Kumar was aged 19 years and his monthly income was Rs. 4,500/- at the time of death who died in motor accident caused by truck which was being driven in a rash and negligent manner and at the time of accident offending motorcycle was insured with New India Assurance Company Ltd.

4. On the basis of evidence on record, the learned Claims Tribunal assessed the annual income of deceased to be Rs. 54,000/- and deducted Rs. 27,000/- ($\frac{1}{2}$) towards his personal expenses as deceased was unmarried and assessed loss of dependency to be Rs. 27,000/- p.a. and age of the deceased to be 18 years and applied multiplier of 16 to quantify the compensation amount which comes to Rs. 4,32,000/-. Further under conventional head claims tribunal has awarded Rs.



2,000/- for funeral expenses Rs. 2,000/- for loss of estate and has assessed Rs. 4,36,000/- to be just and proper compensation and has directed the United India Insurance Company Ltd. to pay compensation of Rs. 3,86,000/- with interest @ 6% p.a. from the date of filing of claim case till its realization after deducting Rs. 50,000/- paid as interim compensation.

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 applied 18 as a multiplier as age of deceased was 19 years. It has been further argued that no future prospect has been granted as such 40% 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. 54,000/-
Future Prospect(40%)	Rs. 21,600/-
Total income (p.a)	Rs. 75,600/-
Personal expenses ($\frac{1}{2}$)	Rs. 37,800/-
Loss of dependency	Rs. 37,800/- p.a.
Multiplier 18	
Compensation	Rs. 6,80,400/-
Conventional heads including parental consortium	Rs. 70,000/-
Total	Rs. 7,50,400/- (Seven lacs fifty thousand four hundred only)

7. Claimants are entitled for compensation amount of Rs. Rs. 7,50,400/- (Seven lacs fifty thousand four hundred only). Accordingly, award is modified to said extent.

8. New India Assurance Company Ltd. respondent is directed to pay the remaining amount of compensation after deducting the compensation amount already paid from Rs. 7,50,400/- 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.
Uploading Date	10.10.2019
Transmission Date	N.A.

