

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.148 of 2017

1. Meena Devi, wife of Ram Pravesh Prasad,
2. Ram Pravesh Prasad, son of Late Bhagwan Bhagat,
Both resident of Village- Neknama, P.O.- Tengarari, Police Station-
Siwaipatty, District- Muzaffarpur.

...Applicants/ ... Appellant/s

Versus

1. Bharat Rai, owner of the Tractor bearing Reg. No.BR-06K-6376, son of
Late Rijhan Rai, resident of Village+ P.O+ P.S.- Minapur, District-
Muzaffarpur. ...Opposite party no.1/respondent 1st set
2. The Divisional Manager National Insurance Co. Ltd. Motijheel, Muaffarpur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr. Anil Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 16-07-2019

Heard parties.

2. This miscellaneous appeal has been filed on behalf of the appellants for enhancement of compensation amount awarded by judgment dated 29.03.2016 and award dated 5.4.2016 passed by 2nd Additional Motor Accident Claims Tribunal, Muzaffarpur in claim case No.299 of 2007 by which compensation of Rs.1,54,500/- with 6% interest per annum has been awarded to the claimant to be paid by National Insurance Company Limited to the claimant.

3. Claimant/appellant Meena Devi is mother of deceased whose son Dipu Kumar aged 13 years died in a motor



accident by tractor bearing registration No.BR -06K – 6376 which was insured with the National Insurance Company Limited.

4. The tribunal has assessed the age of deceased to be 13 years and had taken his notional income as Rs.15,000/- per annum and applied 15 as multiplier and assessed compensation to be Rs.2,25,000/- and has further granted Rs.2,000/- for funeral expenses and Rs.2,500/- for loss of estate and further deducted 1/3rd amount towards personal expenses of deceased and assessed total compensation as Rs.1,50,000/- and after adding additional compensation under conventional heads has found Rs.1,54,500/- to be just and proper compensation and has directed the Insurance Company to pay the compensation amount of Rs.1,04,500/- with interest @ 6% per annum after deducting Rs.50,000/- paid as interim compensation.

5. In view of law laid down by the Apex Court in ***Sarla Verma and Ors vs. Delhi Transport Corporation and Others*** and ***National Insurance Company Ltd. vs. Pranay Sethi & Ors*** with respect to grant of compensation, the dependants of deceased who were aged up-to 15 years, Rs.15,000/- is to be taken as notional income income per annum and 20 is to be applied as multiplier which makes the compensation amount as



Rs.3,00,000/- and, thereafter, Rs.50,000/- is to be granted under conventional heads and total compensation amount has been quantified to be Rs.3,50,000/- with interest @ 6% per annum from the date of filing of claim case till its payment.

6. Insurance company is directed to pay the remaining amount of compensation after deducting the compensation amount already paid to claimant from Rs.3,50,000/- with interest @ 6% per annum on the remaining compensation amount and to be paid to the claimant no.1 within two months from the date of receipt/production of copy of order passed by this Court.

7. Miscellaneous appeal stands disposed of.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.10.2019
Transmission Date	NA

