

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Miscellaneous Appeal No.3 of 2015**

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1. Shankuntala Devi and Ors. W/o late Harendra Ram
2. Arun Kumar S/o Late Harendra Ram
3. Arjun Kumar S/o Late Harendra Ram
4. Anchala D/o Late Harendra Ram
5. Ratiya Devi W/o Vipat Ram
6. Vipat Ram S/o Moti Ram All Resident of Bankers Colony, P.S. Meethanpura District. Muzaffarpur.

... .. Appellant/s

Versus

1. Srunati Kiran Shukla and Ors. W/o Late Kaushlendra Shukla Resident of Nayatola P.S.- Kazi Mohammadpur, District- Muzaffarpur.
2. Pradeep Kumar Jha S/o Bimal Kant Jha C/o Srimati Kiran Shukla , Nayatola P.S.- Kazi Mohammadpur, District- Muzaffarpur.
3. Oriented Insurance Comopany Ltd. Sasaram through Branch. Manager M.A.C.T. HUB T.P Oriental Insura

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Alok Kumar @ Alok Kr Shahi, Adv  
For the Respondent/s : Mr.Sanjay Singh, Adv

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL JUDGMENT**

**Date : 17-07-2019**

Heard learned counsel for the parties.

This appeal under Section 173 of M.V Act has been filed for enhancement of amount of compensation as well as payment of interest on the compensation amount from the date of filing of claim application till its payment as awarded by judgment and order dated 19.09.2014 and Award dated 24.10.2014 passed by Additional District Judge-VI-cum MACT, Vaishali at Hajipur in Claim Case No. 32 of 2000 by which the



learned Claims Tribunal has awarded compensation of Rs. 14,21,619/-.

Claimants-appellants are widow, sons, daughters and parents of deceased Harendra Ram, who died on 20.01.2012 while coming from Bus No. BR 06 PA 5351, which was being driven by the driver of the offending Bus in a rash and negligent manner as result of which Bus turned turtle and deceased who was travelling in said Bus was badly injured and died in said motor accident.

On notice opposite party nos. 1 and 2 who were were the owner and driver of the offending Bus did not appear, however, opposite party no. 3 Oriental Insurance Company Ltd. appeared and contested the case. It is an admitted fact that on the date of accident the offending vehicle was insured with the Oriental Insurance Company Ltd.

Claimants have claimed compensation of Rs. 15 Lacs and have stated that deceased was earning Rs. 8621/- per month and was aged 41 years at the time of accident. The Claims Tribunal has assessed the age of deceased to be 41 years and his monthly income to be Rs. 8621/- and has applied multiplier of 14 and assessed Rs. 14,48,328/- as compensation amount and deducted 1/4th amount towards his personal expenses and



assessed Rs. 10,86,246/- as compensation amount and thereafter added 30 per cent as future prospect and quantified compensation amount as Rs. 14,12,119.80/- and has further granted compensation under conventional heads as Rs. 2000/- for funeral expenses, loss of consortium as Rs. 5000/-, loss of estate as Rs. 2500/- and total compensation for which Claimants are entitled as determined by Claims Tribunal comes to Rs. 14,21,619/- and has directed the Insurance Company to pay the compensation amount within 3 months failing which Claimants will be entitled for interest @ 8 per cent per annum thereafter till payment.

It has been submitted by learned counsel for the appellant that the Claimants are entitled for enhanced compensation amount as well as interest on compensation amount from the date of filing of claim application till its payment.

After hearing the parties and perusing the judgment and Award passed by the Claims Tribunal, this Court finds that Claims Tribunal has rightly determined the compensation amount for which Claimants are entitled, however, Claimants-Appellants were entitled for interest @ 6 per cent per annum from the date of claim application till its payment.



The Award passed by the Claims Tribunal by which Claims Tribunal has directed for payment of compensation amount of Rs. 14,21,619/-, which is stated to have been paid in December-2014, is modified to the extent that interest @ 6 per cent per annum is to be paid on the said amount from the date of filing of claim application till its payment.

With said modification in the Award, this miscellaneous appeal is disposed of.

**(S. Kumar, J)**

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| AFR/NAFR          | NAFR       |
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