

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.92 of 2016

1. Urmila Devi W/o Late Gaya Bind @ Gajendra Bind.
2. Samaria Kumari, D/o Late Gaya Bind @ Gajendra Bind
3. Lal Keshari D/O Late Gaya Bind @ Gajendra Bind, 13 years
4. Fekana, s/o Late Gaya Bind @ Gajendra Bind, 11years
5. Bhura, S/O Late Gaya Bind @ Gajendra Bind, 10 years
6. Bebi, D/O Late Gaya Bind @ Gajendra Bind, 7 years appellant no 2 to 6 are minors living under the guardianship of appellant No. 1 (their mother)

... .. Appellant/s

Versus

1. Janardhan Singh S/o Lalan Singh, Resident of Shiv Asthan, Station Road, Burnpur, District- Bardwan (West Bangal).
2. Sandip Kumar S/o Manohar Pd., resident of Jankdhari Lal Rd Danapur Cant PS Danapur, Dist Patna.
3. The divisional Manager D.O-II, The Oriental Insurance Company Ltd. Jaintpur Kothi, Bank Road, Behind Biscoman Bhawan, Patna-1.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 26-06-2019

I.A. No. 1196 of 2016

Heard the parties.

This interlocutory application has been filed for condonation of delay of eight days in filing the present appeal.

Sufficient reasons have been shown to condone the delay in filing appeal, accordingly the Interlocutory application is allowed and the delay in filing this appeal is



condoned.

I.A No. 1196 of 2016 is allowed.

Miscellaneous Appeal No. 92 of 2016

This miscellaneous appeal has been filed by claimant/appellant for enhancement of compensation amount as awarded by judgement dated 31.07.2014 and Award dated 28.08.2015 passed by Additional District Judge-X cum Motor Accident Claims Tribunal, Patna in Claim Case No. 47/2008, by which Tribunal has awarded compensation of Rs. 3,91,500/- to the Claimant with interest @ 7 per cent per annum.

2. It has been submitted on behalf of counsel for the appellant that tribunal has wrongly assessed the monthly income of deceased which ought to be Rs. 5000/-, however, same has been assessed as Rs. 3000/- per month. Tribunal has further erred in not granting future prospect as deceased was 30 years old. Tribunal has wrongly deducted 1/3rd for personal expenses, although 1/4th deduction ought to have been made as number of dependents are six. Lesser amount have been paid towards funeral expenses, loss of estate and loss of consortium.

3. After hearing counsel for the appellant and



counsel for the Insurance Company, this Court re-assess the compensation of claimant on admitted facts in terms of judgement and order of Apex Court passed 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 (40%)	Rs. 14,400/-
Total income	Rs. 40,400/-
Personal Expenses(1/4th)	Rs. 10,100/-
Loss of dependency	Rs. 30,300/-
Multiplier(17)	Rs. 5,15,100/-
Loss of consortium	Rs. 40,000/-
Loss of estate	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-
Total	Rs. 5,85,100/- (Rupees Five

Lacs Eighty Five Thousand One Hundred Only).

4. The award of tribunal is modified to the extent that claimants are entitled for compensation of Rs. 5,85,100/- (Rupees Five Lacs Eighty Five Thousand One Hundred Only). Insurance Company is directed to pay the remaining compensation amount to the claimants after making deduction of the compensation amount already paid to claimants, with



interest @ 7% per annum on the remaining compensation amount from the date of filing of claim application till its realization within three months from the date of receipt/production of a copy of order passed by this Court.

5. This miscellaneous appeal is disposed of.

(S. Kumar, J)

veena/-

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

