

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.41 of 2017

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Janki Kuer w/o Late Hridya Nand Singh, resident of village - Basura, P.O. -
Masona, P.S. - Sanjhauli, District - Rohtas.

... .. Appellant/s

Versus

1. The Branch Manager, Oriental Insurance Company Ltd. and Ors
2. Prahlad Kumar Singh, S/o Surendra Prasad Singh, resident of village P.O. -
Dharupur, P.S. - Bikramganj, District - Rohtas.
3. Nagendra Kumar Singh, S/o Surendra Prasad Singh, resident of village P.O.
- Dharupur, P.S. - Bikramganj, District - Rohtas.
4. Sukhiya Kuer, W/o Late Sheo Pujan Singh,
5. Jyotish Kumar Minor, S/o Late Hridya Nand Singh,
6. Sumita Kumari Minor, D/o Late Hridya Nand Singh, 5 and 6 through their
mother, Janki Kuer (Natural Guardian), 4 to 6 resident of village - Basura,
P.O. - Masona, P.S. - Sanjhauli, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Siddharth Harsh, Adv
For the Insurance Co.	:	Mr. Ashok Priyadarshi, Adv

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 15-07-2019

Heard learned counsel for the parties.

This appeal under Section 173 of M.V. Act 1988 has
been filed against the judgment dated 01.10.2015/26.09.2016
and Award dated 22.11.2016 passed by learned 1st Additional
District Judge cum Motor Accident Claims Tribunal, Rohtas at



Sasaram in Claim Case No. 13 of 2005, by which the Claims Tribunal has passed fresh order on remand by this Hon'ble Court but has granted interest @ 9 per cent per annum on the compensation amount from the date of order and not from the date of filing of claim application.

Claimants have filed a claim case giving rise to Claim Case No. 13 of 2005, which was allowed by judgment dated 24.12.2010 and Award dated 13.01.2011 passed by learned 2nd Additional District Judge cum Motor Accident Claims Tribunal, Rohtas at Sasaram in which Rs. 1,19,500/- was awarded as compensation with interest @ 6 percent per annum from the date of filing of claim petition till its payment. Aggrieved by the quantum of compensation appellants preferred Miscellaneous Appeal No. 253 of 2011 before Hon'ble High Court and by order dated 23.08.2012, Hon'ble High Court remanded the matter to the Claims Tribunal to reassess the compensation amount and pursuant thereto the Claims Tribunal reassessed the compensation amount by its judgment dated 01.10.2015/26.09.2016 and Award dated 22.11.2016 and has awarded compensation of Rs. 4,41,500/- to the Appellant. However, no interest has been awarded by the Claims Tribunal except that if the compensation amount is not paid within two



months from the date of order simple interest @ 9 per cent will be paid thereafter.

After hearing the parties, and considering the judgment and Award passed by the learned Claims Tribunal, the Award dated 22.11.2016 is modified to the extent that Claimants-appellants are entitled for interest @ 6 per cent per annum from the date of filing of claim application till its payment. In addition to this amount under conventional head Tribunal has granted Rs. 9,500/-, however, in view of judgment of Apex Court in the case of *National Insurance Company Ltd. vs. Pranay Sethi & Ors* since reported in (2017) 16 SCC 680. **Claimants are entitled to be paid Rs. 70,000/-** under the conventional head as such balance amount of Rs. 60,500/- is awarded under the conventional head which is directed to be paid to the Claimants-appellants alongwith balance compensation amount within three months from the date of production/receipt of a copy of the order passed by this Court.

The judgment dated 01.10.2015/26.09.2016 and Award dated 22.11.2016 passed by learned 1st Additional District Judge cum Motor Accident Claims Tribunal, Rohtas at Sasaram in Claim Case No. 13 of 2005, is modified to the extent as indicated above.



This miscellaneous appeal is disposed of.

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.10.2019
Transmission Date	NA

