IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.435 of 2014

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1. Krishna Deo Sharma, Son of Late Ramsevak Singh,
2. Smt. Kamlesh Devi, Wife of Krishna Deo Sharma,
   Both Resident of Village- Vali, Police Station- Konch, District- Gaya, At present residing at M/S. Coal Depot, Chandani Chowk, Saharsa

... ... Appellant/s

Versus

1. Rajendra Singh, Son of Late Deo Sundar Singh, Resident of Village- Lohia Nagar, Police Station- Nagar, District- Begusarai
2. Ramsharan Kumar Yadav, Son of Bindeshwari Yadav, Resident of Village- Babrahi, Police Station- Sahebpur Jamal, District- Begusarai
3. National Insurance Company Ltd. Middle Town Street, Calcutta- 700001
4. M. Venkateshwar Rao, Son of Shri Tripataya, Resident of Village- Mogal-Rajay, Puram Vijaywada, District- Krishna, Andhra Pradesh
5. The New India Assurance Company Ltd., Head Office- New India Assurance Company, 87, Mahatma Gandhi, Road Fort, Bombay- 400001

... ... Respondent/s

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Appearance :
For the Appellant/s : Mr.Sudhir Kumar Bijpuria, Adv.
For the New India Assurance Co.: Mr. Sanjay Singh, Adv.
For the National Insurance Co. : Mr.Ashok Priyadarshi, Adv.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 21-10-2019

Heard the parties.

This appeal under Section 173 of Motor Vehicles Act, 1988 has been filed on behalf of claimants/appellants who are the parents of deceased for enhancement of the compensation amount awarded by the claims Tribunal vide judgment and Award dated 07.06.2013/ 30.10.2013 passed by Additional District Judge 2nd, Patna-cum-Motor Accident Claims Tribunal passed in Claim Case No. 28 of 1995 by which compensation of Rs. 1,12,500/-

has been awarded by the claims Tribunal.

The challenge is confined to the quantum of compensation awarded by the Claims Tribunal. The Claims Tribunal has assessed the monthly income of deceased who was aged 14 years as Rs. 900/- and accordingly has ascertained the annual income to be Rs. 10,800/- and thereafter has deducted 1/3rd towards is personal expenses and has ascertained loss of dependency to be Rs. 7200/- and has applied multiplier of 15 quantifying the compensation amount to be 1,08000/- and thereafter has granted additional compensation under conventional heads as Rs. 2,000/- for funeral expenses, Rs. 2500/- for loss of estate and assessed Rs. 1,12,500/- to be just and reasonable compensation for which claimants are entitled.

Aggrieved by the quantum of compensation the claimants have preferred this appeal against the quantum of compensation.

In view of decision of Hon'ble Apex Court in the case of ***Reshma Kumari & Ors vs. Madan Mohan & Ors.*** since reported in ***(2013) 9 SCC 65,*** the Hon'ble Apex Court has held that while making calculation for grant of compensation in case of minor Rs. 15,000/- has to be taken as notional income and 20 as multiplier which quantifies compensation as Rs. 3 Lacs and,thereafter Rs. 50,000/- is to be paid under conventional head, accordingly Rs. 3,50,000/- has been held to be proper and just compensation in case of death of minor.

In view of law laid down by the Apex Court, the Award is modified to the extent that claimants are entitled for compensation of Rs. 3,50,000/- with interest @ 6% per annum from the date of application till date of payment.

Insurance Company is directed to re-calculate the compensation amount and pay the remaining compensation amount after deducting compensation amount already paid from Rs. 3,50,000/- to the claimant with interest @ 6% p.a. from date of application till its payment within 60 days from date of receipt/production of copy of order passed by this Court.

The Misc. Appeal is allowed to the extent as indicated above.

(S. Kumar, J)

Rajiv/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.12.2019
Transmission Date	NA