# IN THE HIGH COURT OF JUDICATURE AT PATNA
**Miscellaneous Appeal No.797 of 2014**

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1. Nisha @ Nisha Singh, Wife of Late Kumar Sashi Ranjan. Resident of Gami Tola, P.S. and District - Katihar.
2. Riya Ranjan Singh aged about 3 years. Daughter of Late Kumar Sashi Ranjan under Guardianship of her mother. Resident of Gami Tola, P.S. and District - Katihar.

... ... Appellants

Versus

1. M/s D.S.G.Road Lines Pvt. limited,46/34 S.N. Banarjee road, Kolkata-700014 W.B. (Owner).
2. Chandan Kumar Tanti, Son of Ram Balak Tanti (Driver).
3. United India Insurance Co. through Alam Market Girl's School Road, Mangal Bazar, Katihar.

... ... Respondents

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**Appearance :**
For the Appellants : Mr. Ajit Kumar Singh, Adv.
For the Respondents : Mr. Durgesh Kumar Singh, Adv

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**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**
**ORAL JUDGMENT**
**Date : 25-06-2019**

Heard the parties.

2. This miscellaneous appeal has been filed on behalf of claimant for enhancement of compensation amount awarded by judgment dated 28.08.2014 and Award dated 28.10.2014 passed by Additional District Judge-II-cum-Motor Accident Claims Tribunal, Katihar, passed in Claim Case No. 17 of 2009.

3. Claimants are widow and daughter of deceased Kumar Shashi Ranjan who died in a motor accident on 02.03.2009 at 3:00 P.M., in Barauni Refinery where he was

posted as constable (C.I.S.F.) at Indian Oil Corporation in Barauni Refinery. F.I.R. was instituted giving rise to Barauni P.S. Case No. 69 of 2009 instituted under Section 279 and 304-A of the Indian Penal Code. Informant stated in his fardbeyan that on 02.03.2009 deceased constable was performing his duty and was checking the paper of vehicle at gate no. 10 and prepared gate pass when at 3:00 P.M., the L.P.G. vehicle bearing registration no. WB-23-A-2278 dashed against constable Kumar Shashi Ranjan. Vehicle was being driven by driver of offending vehicle in rash and negligent manner, as a result of which Kumar Shashi Ranjan died.

4. After investigation police found the case to be true against the driver of the vehicle of driving the vehicle in rash and negligent manner as a result of which accident took place and husband of the claimant no.1 died on the spot. Inquest report was prepared and postmortem was conducted by the medical officer. The offending vehicle was insured by United India Insurance Company Ltd. and as such tribunal held that insurance company is liable to pay the compensation amount.

5. Salary of the deceased at the time of death was Rs. 12,391/- per month and he was aged 30 years and tribunal has found 17 to be appropriate multiplier and has deducted 1/3rd

on his personal expenses and has found claimants to be entitled for Rs. 16,8,5176/- as compensation and has further awarded Rs. 5,000/- for loss of consortium, Rs. 15,000/- for loss of estate and Rs. 5,000/- as funeral expenses and awarded Rs. 17,10,176/- compensation amount with interest @ 9 % per annum from the date of filing of claim petition to the date of payment.

6. Appellants are aggrieved that they have not been granted future prospects as well as the correct multiplier would be 18 and Rs. 70,000/- is to be paid under conventional heads.

7. After hearing the parties and considering the admitted facts of present case this court re-assesses the quantum of compensation to be granted to the claimants in terms of judgment and order passed by Apex Court in the Case of ***National Insurance Company Ltd. vs. Pranay Sethi & Ors since reported in (2017) 16 SCC 680***.

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| Annual Income | 12391 x 12 = | Rs. 1,48,692/- |
| Future Prospects (50%) | | Rs. 74,346/- |
| Total Income | | Rs. 2,23,038/- |
| Personal Expenses (1/3rd) | | Rs. 74,346/- |
| Loss of dependency | | Rs. 148692/- |
| Multiplier (17) | | |
| Compensation amount | Rs. 25,27,764/- | |
| Loss of consortium | 40,000/- | |

Loss of Estate 15,000/-

Funeral Expenses 15,000/-

Total Compensation: Rs. 25,97,764/-

(twenty five lacs ninety seven thousand seven hundred sixty four)

8. Claimants are entitled for compensation of Rs. 25,97,764/- (twenty five lacs ninety seven thousand seven hundred sixty four) and accordingly Award passed by the Tribunal is modified. The insurance company is directed to pay the remaining amount of compensation after deducting the compensation amount paid to the claimants from Rs. 25,97,764/- (twenty five lacs ninety seven thousand seven hundred sixty four) and also deduction of applicable income tax (if any) and same to be paid with interest @ 9% per annum of remaining compensation amount from the date of filing of claim petition till its realization.

9. The miscellaneous appeal is allowed to the extent as indicated above.

**(S. Kumar, J)**

Rajiv/-

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| **AFR/NAFR** | NAFR |
| **CAV DATE** | NA |
| **Uploading Date** | |
| **Transmission Date** | NA |