

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.201 of 2016

1. Sidhnath Gupta S/o Late Sita Ram Saw.
2. Prabhawati Devi W/o Sidhnath Gupta. Both residents of Mohalla - Bikram Bajar, P.S. - Bikram, District - Patna.

... .. Appellant/s

Versus

1. Ram Nath Sharma S/o Ramlakhan Sharma resident of Village - Kapraul Riga, P.S. - Riga, District - Sitamarhi.
2. Ram Chandra Sah S/o late Saryu Sah, Resident of Village - Benipatti, P.S. - Benipatti, District - Madhubani.
3. The Oriental Insurance Company Ltd. through its Regional Manager, Pirmuhani, Kadamkuan, Patna, District- Patna.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date : 31-07-2019

I.A. No. 2425 of 2016

Heard the parties.

This interlocutory application has been filed for
condonation of delay of 47 days in filing the present appeal.

Sufficient reasons has 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. 2425 of 2016 is disposed of.

Miscellaneous Appeal No. 201 of 2016

This appeal has been filed under Section 173 of M.V.
Act, 1988 by the claimants/appellants for enhancement of



compensation amount awarded by judgement dated 17.08.2015 and Award dated 24.09.2015 passed by Additional District Judge-IV-cum-M.A.C.T., Patna in Claim Case No. 229 of 2012 by which the learned Claims Tribunal has granted compensation of Rs. 2,70,000/- to the claimants with interest @ 8% p.a.

Claimants who are the mother and father of deceased filed an application under Section 166 of M.V. Act for grant of compensation of Rs. 4 lacs on account of death of their son Nikhil Kumar @ Ratnesh Kumar in a motor accident when on 30.12.2011 he was dashed by a truck bearing registration No. BR-30A-8226 which was being driven in a rash and negligent manner while he was riding motorcycle and died on the spot. Deceased was 16 years old and was having income of Rs. 3000/- per month and the offending vehicle was insured by the Oriental Insurance Company Ltd.

Claims Tribunal has assessed the age of deceased to be 16 years and his monthly income as Rs. 3000/- and has applied 15 as multiplier and ascertained compensation to be Rs. 5,40,000/- and has deducted half of the amount towards his personal expenses as he was unmarried. Claims tribunal has further awarded compensation as Rs. 2000/- towards funeral expenses 2,500 for loss of estate and quantified compensation



amounts to be Rs. 2,74,500/- and has deducted Rs. 50,000/- which was paid as interim compensation and directed the Insurance Company to make payment of Rs. 2,24,500/- as compensation amount with interest @ 8% p.a. from the date of filing of claim application till its payment and aggrieved by quantum of compensation, claimants/appellants have preferred this appeal for enhancement of compensation amount.

This court re-assesses the compensation amount for which claimants are entitled on basis of judgement of Apex Court in case of *Sarla Verma and Ors vs. Delhi Transport Corporation and Others since reported in (2009) 6 SCC 121* and in the case of *National Insurance Company Ltd. vs. Pranay Sethi & Ors since reported in (2017) 16 SCC 680* as follows:-

Annual Income	= Rs. 36,000/-
Future prospect (40%)	= Rs. 14,400/-
Total income	= Rs. 50,400/-
Personal expenses(50%)	= Rs. 25,200/-
Loss of dependency	= Rs. 25,200/-
Multiplier (18)	= Rs. 4,53,600/-
Funeral expenses	= Rs. 15,000/-
Loss of estate	=Rs. 15,000/-
Loss of parental consortium	= 40,000/-
Total compensation amount	= Rs. 5,23,600/- (five lacs twenty three thousand six hundred only).

Claimants/appellants are entitled to compensation of Rs. 5,23,600/- (five lacs twenty three thousand six hundred



only) and Award is modified to said extent.

Insurance Company is directed to pay the remaining compensation amount after deducting the compensation amount already paid from Rs. 5,23,600/- (five lacs twenty three thousand six hundred only) and pay to the claimants/appellants with 8% of interest on the remaining compensation amount from the date of filing of claim application till its payment within two months from date of production/receipt of order passed by this Court.

Miscellaneous Appeal is disposed of.

(S. Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.10.2019
Transmission Date	N.A.

