

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.401 of 2016

1. Smt. Mala Chaudhary, W/o Dayanand
2. Dayanand, s/o late Jaynandan Chaudhary, resident of village, Sri Rampur Ayodha, P.S. Pusa, Dist, Samastipur at present residing at C/o Bindeshwa Chaudhary, Mohalla, miscourt on Main Road, P.O. Ramma, P.S. Mithanpur, Dist- Muzaffarpur

... Claimants/ Appellant/s

Versus

1. Commandant C.C.C.R.P.F. Group Centre CRPF, Jharaunda Kala, New Delhi
2. Taj Mohammad, D.I.G., C.R.P.F., Group Centre, Muzaffarpur Langat Singh College Campus, Muzaffarpur
3. Om Narain Singh Nawaldar (driver) Bal No. 850839021

... Defendants / Opposite parties

Appearance :

For the Appellant/s	:	Mr.Sunil Kumar Pandey Mr. Aditya Dev, Advocates
For the Respondent/s	:	Mr.Manoj Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 02-07-2019

Heard the parties.

2. This miscellaneous appeal has been filed on behalf of the appellants who are parents of deceased for enhancement of amount of compensation granted to the



claimants by Motor Accident Claims Tribunal, Muzaffarpur passed in Claim Case No.34/07 by which an amount of Rs.3,34,000/ along with 6% interest has been directed to be paid to the claimants by the respondents. Claimants are aggrieved by the quantum of compensation.

3. Briefly stated the facts of the case is that daughter of the claimants Sonam alias Sona on 12.8.2006 at 3 p.m. was going to attend her tuition by her cycle and as she proceeded from her home, a CRPF bus bearing registration number DL1P- 6515 came from behind and dashed against her cycle causing grievous injuries to Sonam and she was rushed to CRPF hospital where she was declared dead. The bus was of CRPF and was being driven by driver Om Narayan Singh. The bus was being driven in a rash and negligent manner as a result of which, daughter of claimants died.

4. Written statement was filed on behalf of respondents-CRPF in which it has been stated that the bus was being driven in a usual manner and deceased suffered injury caused by her own negligent act as she collided with the bus which was moving at normal speed as such, claimants are not entitled for any compensation.

5. On the basis of pleadings of the parties, five



issues were framed by the Tribunal for adjudication.

6. In support of claim case, seven witnesses were examined on behalf of claimants and documentary evidences were also produced as certified copy of FIR (Ext. 1), certified copy of chargesheet (Ext.2) , certified copy of postmortem report (Ext.3), CBSE certificate, (Ext. 4) and mark sheet of school (Ext. 5) whereas opposite parties have examined two witnesses.

7. On the basis of oral and documentary evidences adduced before the Tribunal, the Tribunal came to a finding that due to rash and negligent driving of the bus by the driver, the accident took place as a result of which Sonam sustained injuries and, subsequently, died in the hospital. The age of Sonam at the time of accident was 15 years, 4 months and 11 days and she was very good in her studies and had a bright future. She was a non-earning member of the family and Tribunal has assessed her notional annual income as Rs. 36,000/- and has deducted 50% towards her personal expenses, and has chosen multiplier of 18 and has assessed the amount of compensation as Rs.3,24,000/-. In addition to said amount, the Tribunal has further granted under conventional head Rs.5,000/- for loss of estate and Rs.5,000/- for funeral expenses and has



assessed the total compensation to be Rs.3,34,000/-. Since Rs.50,000/- has already been paid, direction has been issued for payment of remaining amount of Rs.2,84,000/- with simple interest of 6% per annum.

8. On the basis of admitted facts the quantum of compensation is re-assessed by this Court:-

(i) Annual Income (Notional)=	Rs. 36,000/-
(ii) Personal Expenses (50%) =	Rs. 18,000/-
(iii) 40% future prospect	= Rs. 7,200/-
(iv) Total income	= Rs. 25,200/-
(v) Multiplier	= 18
(vi) Loss of dependency (25,200x18=4,53,600)	= Rs.4,53,600/-
(vii) Loss of Estate	= Rs. 15,000/-
(viii) Funeral Expenses	= Rs. 15,000/-
(ix) Loss of Filial Consortium=	Rs.40,000/-
Total	= Rs.5,23,600/-

The respondent authorities are directed to pay compensation of Rs. 5,23,600/- as quantified above with interest @ 6% per annum from the date of filing of application till its payment, after deducting the amount of compensation already paid to the claimants within three months from the date of receipt/production of a copy of order passed by this Court.

9. The miscellaneous appeal is partly allowed to the



extent as indicated above.

10. Let the L.C.R. be returned forthwith to the
concerned Tribunal.

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.07.2019
Transmission Date	NA

