

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.281 of 2013

1. Mostt. Prabhawati Kuer wife of Late Bhim Choudhary.
 2. Chandan Kumar son of Late Bhim Choudhary
 3. Madan Kumar son of Late Bhim Choudhary
 4. Kundan Kumar son of Late Bhim Choudhary
- Appellants No. 2 to 4 are minors represented through their mother Mostt. Prabhawati Kuer as natural guardian.
5. Gurumati Devi wife of Sri Sheo Shanker Choudhary @ Shiv Shankar Nonia.
 6. Sheo Shankar Chaudhary @ Shiv Shankara Nonia son of Late Jaga Choudhary @ Jaga Nonia.

All residents of village Jagadatpur, P.O Khaneti P.S. Kargahar District-Rohtas.

... .. Appellant/s

Versus

1. Ram Chandra Singh son of Late Ramanand Singh, resident of village Akabarpur P.O. Jalahara P.S. Rajpur District Buxar (Bihar).
2. National Insurance Company Ltd. Through its Branch Manager Buxar Branch P.O. & P.S. Buxar District Buxar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Raghunandan Kumar Singh
For the Respondent/s	:	Mr.Ashok Priyadarshi

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 08-01-2019

Heard the parties.

With the consent of parties, this matter is being disposed
of at the stage of admission itself.

The impugned Judgment would reveal that the learned
Tribunal has committed error in deducting 1/3rd of the payable
compensation amount for expenses of the deceased which should
have been 1/4th in the present facts and circumstances of this case



in the light of Judgment of the Hon’ble Supreme Court in the case of *Sarla Verma Vs. Delhi Transport Corporation reported in (2009) 6 SCC 121*. The Tribunal has again committed error in taking 15,000/- per annum as income of the deceased, in absence of any evidence of income, which should have been 100/- per day equal to 3000/- per month in the light of the Judgment reported in *AIR 2008 SC 1858 Laxmi Devi Vs. Md. Tabbar*.

In the results, the impugned Judgment is set aside and the matter is remand back to the Tribunal to decide the just and fair compensation according to law.

Accordingly, this appeal stands allowed on the aforesaid terms.

(Birendra Kumar, J)

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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