

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.57 of 2015

=====

Manager, Reliance General Insurance Co. Ltd. 301 & 302, 3rd Floor,
Kaushalya Estate, Bundar Bagicha, Dakbunglow Chauraha, Patna

... O.P. -2 ... Appellant/s

Versus

1. Prem Kumar ,S/o Lt. Harihar Singh
2. Mala Sinha, W/o Prem Kuar
All the above are resident of Village- Chandrahati, P.S. Kurdhani,
Dist. Muzaffarpur, ...Claimants / Respondents
3. Vijay Kumar Jha S/o Lt. Chandrika Jha, Resident of At/ PO-
Maharana Pratap Colony, Station Road, Hajipur, P.S. - Sadar, Dist.
Vaishali.

... ..O.P. 1/ . Respondent/s

=====

with

Miscellaneous Appeal No. 58 of 2015

=====

Manager, Reliance General Insurance Co. Ltd, 301 & 302, 3rd Floor,
Kaushalya Estate, Bundar Bagicha, Dakbunglow Chauraha, Patna

... .. O.P. 2 / Appellant/s

Versus

1. Krishna Kumar Thakur, S/o Lt. Ram Nandan Thakur
2. Mina Devi, w/o Krishna Kumar Thakur
All the above are resident of Village- Aganagar, P.S. Maniyari, Dist.
Muzaffarpur.
..... Claimants / Respondents
3. Bijay Kumar Jha s/o Lt. Chandrika Jha,
Resident of At/PO - Maharana Pratap Colony Station Road Hajipur,
P.S. - Sadar, Dist. Vaishali.

... .. Respondent/s

=====

Appearance :

(In Miscellaneous Appeal No. 57 of 2015)

For the Appellant/s : Mr.Durgesh Kumar Singh

For the Respondent/s : Mr.

(In Miscellaneous Appeal No. 58 of 2015)

For the Appellant/s : Mr.Durgesh Kumar Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT



Date : 01-07-2019

Heard.

2. Being aggrieved by the judgment dated 21.10.2014 and award dated 10.11.2014 passed by 5th Additional Distict Judge -cum- Motor Vehicle Accident Claims Tribunal, Muzaffarpur passed in claim case no. 177 /2009 and claim case no.178 / 2009, the appellant – Insurance Company has filed both these appeals on quantum of compensation.

3. Claimants are parents/mothers of deceased Manisha Kumari and Navin Kumar who died on 9.4.2009 while going to the school by Hero Honda motorcycle when a bus bearing registration no. BR 06 P 9107 which was being driven by the driver of the bus in a rash and negligent manner, dashed against the motorcycle as a result of which, Manisha Kumari and Navin Kumar died on the spot.

4. FIR was instituted giving rise to Kudhani P.S. Case No.83 / 09 instituted against the driver of the offending bus and after investigation, the police found the allegation of rash and negligent driving by the accused driver to be true and submitted charge-sheet against him.

5. Manisha Kumari was 17 years old and Navin Kumar was 22 years old at the time of their accidental death and claimants have filed their claim case for grant of



compensation. The bus was insured by the appellant – Insurance Company which was valid on the date of accident.

6. The Tribunal has assessed the monthly income on the basis of minimum wages as fixed by the government as Rs.162/- per day and has assessed monthly income to be Rs.4,860/- and annual income to be Rs.58,320/-, correctness of which has been assailed by the appellant – Insurance Company and according to appellant, in case of non-earning members, Rs.100/- is to be taken as notional income per day and accordingly Rs.3,000/- will be the monthly income and Rs.36,000/- will be the notional annual income and, accordingly, the compensation amount of both Manisha Kumari aged 17 years and Navin Kumar aged 22 years are reassessed by this Court as following:-

Annual income -	Rs. 36,000/-
Future Prospects (40%)	Rs. 14,400/-
Total Income	Rs. 50,400/-
Personal Expenses (50%))	Rs. 25,200/-
Loss of dependency	Rs. 25,200/-
Multiplier	18
Compensation Amount	Rs. 4,53,600/-
Conventional Heads	
(loss of love and affection Rs.40,000/-)	
loss of estate (Rs.15,000/-)	



Rs. 70,000/-

Rs. 5,23,600/-

=Rs.50,000/-

= Rs.4,73,600/-

(Four lacs Seventy Three Thousand Six Hundred Only).

7. The insurance company is directed to pay the

8. The statutory amount of Rs.25,000/- which was

9. The miscellaneous appeals are partly allowed

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.08.2019
Transmission Date	NA

