

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.93 of 2016

1. Reliance General Insurance Co. Ltd. through its Branch Manager, Himalaya House, 8th Floor, 38 B, J.L. Nehru Road, Kolkatta, West Bengal, at present 301 & 302, 3rd Floor, Kaushalya Estate, Badar Bagicha, Dak Bungalow Raod, Chouraha, P.S. Kotwali, Patna.

... .. Appellant/s

Versus

1. Md. Kasim Mian, S/o Late Md. Sikandar
2. Maimoon Khatoon, W/o Md. Kasim Mian
All Resident of village- Gopipatti P.S. - Bahadurpur, District- Darbhanga.
3. Md. Ali Imam, S/o Islam Ansari, Resident of village Sankherha (Kalyanpur)
P.O. and P.S. Baheri District- Darbhanga.
4. Sanjeet Kumar, S/o Late Bauye Paswan, Resident of Village- Sankherha,
P.O. and P.S. Bahri, District- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Alok Kumar @ Alok Kr Shahi, Adv
For the Respondent/s : Ms. Rekha Prasad, Adv

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT

Date : 02-07-2019

Heard both the parties.

2. This miscellaneous appeal has been filed on behalf of Reliance General Insurance Co. Ltd. against the judgment dated 31.07.2014 and award dated 21.11.2014 passed by Additional District Judge 1st-cum-Motor Vehicle Accident Claim Tribunal, Darbhanga in Claim Case No. 04 of 2010 by which the Tribunal has awarded Rs. 7,39,000/- as amount of compensation with interest @ 9 % per annum to be paid by the Insurance Company to the claimant.



3. Appellant is aggrieved by the quantum of compensation, which has wrongly been assessed and claimant is not entitled for said compensation. Claim petition has been filed on behalf of mother of deceased, who died in a motor vehicle accident at the time of death he was aged about 18 years and as per statement made in claim petition he was earning Rs. 3000/- per month. However, Tribunal has assessed the monthly income to be Rs.4500/- which is contrary to the evidence on record and statement made in claim petition. The Tribunal has granted 50 per cent of salary as future prospect whereas it should be 40 per cent.

4. On the basis of claim made by claimant in his claim petition, 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/-



5. The respondent authorities are directed to pay compensation of Rs. 5,23,600/- as quantified above with interest @ 9 per cent 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.

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

(S. Kumar, J)

Rajiv/-

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

