

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.532 of 2015

1. Haridwar Singh Son of late Mandip Singh
2. Girjesh Kumar singh son of Haridwar Singh, Both resident of Village-Singra, P.S. Konch, District Gaya

... .. Appellant/s

Versus

1. Shri Rajesh Prasad Yadav Son of late Awadh Prasad Yadav, Resident of Rampur, P.S. Rampur, District Gaya Owner of Maxi BR2F/ 5699
2. Senior Divisional Manager, Oriental Insurance Company Limited , 2nd floor, R.J. palace Rai kashi Na

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Nand Kishore Prasad Sinha
For the Respondent/s : Mr.Sanjay Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-02-2020 The present appeal has been filed against the judgment dated 10.06.2015 and award dated 03.08.2015 passed by the learned Additional District Judge-1st-cum Motor Accident Claim Tribunal Gaya in Claim Case No.7 of 2012/ 30 of 2012, whereby and whereunder, the claim case has been allowed, however, it is the case of the appellants that the amount of compensation awarded, on account of death of the deceased Chandra Mala Devi by one Maxi bearing registration no. B.R. 2F/5699, in less and requires enhancement.

Without going into the merits of the case and in order to expedite justice, I deem it fit and proper to dispose of the present appeal with the consent of the parties, since the learned



counsels appearing for the appellants and the respondent Insurance Company have consented for disposal of the present appeal on the following terms:-

(I) Since only a sum of Rs. 20,000/- has been awarded, under the other heads i.e. under the head of Consortium allowance and funeral expenses, by the learned Tribunal, which in fact should be a sum of Rs. 70,000/- as per the judgment rendered by the Hon'ble Apex Court in the case of **National Insurance Company Ltd. Vs. Pranay Shethi**, reported in 2017 (4) PLJR 261 (SC), the appellants are held to be entitled for a further sum of Rs. 50,000/- under the aforesaid heading.

(II) In the impugned judgment dated 10.06.2015, in paragraph No. 15, though interest has been awarded @ 6% per annum, but it has not been mentioned as to from which date the same shall be payable. In this regard the law is clear to the effect that the interest is to be paid from the date of filing of the claim petition. It is directed accordingly.

Having regard to the aforesaid submissions made by the learned counsel for the appellants as also the learned counsel appearing for the respondent Insurance Company, I deem it fit and proper to modify the judgment dated 10.06.2015 and the



award dated 03.08.2015 passed by the learned Additional District Judge, 1st cum Motor Accident Claim Tribunal, Gaya in Claim Case No.7 of 2012/ 30 of 2012 to the aforesaid extent.

Accordingly, the awarded amount be calculated and the balance amount be paid to the appellants within a period of three months from today.

The appeal stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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