

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1516 of 2019

In
Miscellaneous Appeal No.773 of 2013

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The New India Assurance Company Ltd

... .. Petitioner/s

Versus

Md. Sannu Mian @ Samsul Azami @ Suny Mian

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Jha

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-09-2022 Heard the parties.

This application has been filed for restoration of M.A. No. 773 of 2013 which stood dismissed for default due to non-compliance of the order dated 11.09.2015.

For the reasons mentioned in the application, it is allowed and M.A. No. 773 of 2013 is restored to its original file.

M.A. No. 773 of 2013

In view of the judgment of this Court, the certified copy of the award is not required, therefore the main case is being heard.

The appellant has relied upon the judgment passed in the case of *Sarla Verma & Ors Vs. Delhi Transport Corporation & Another [(2009) 6 SCC 121]* to contend that the deceased was unmarried at the time of accident and, therefore,



deduction ought to have been taken as half of the income instead of 1/3 of monthly income or yearly income.

Issue notice to Respondents No. 1 to 3 through ordinary process as well as under registered cover with A/D, requisites etc. for which must be filed within ten days.

List this case after six weeks before the appropriate Bench.

(Sandeep Kumar, J)

Saif/-Sunny

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