

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.443 of 2016

Rinku Devi and Ors.

... .. Appellant/s

Versus

Binod Mandal and Ors.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Madan Mohan

For the Respondent/s : Mr.Durgesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

7 14-02-2023 Heard learned counsel for the appellants as well as

learned counsel for the respondent Nos. 2, 3 and 4, the Reliance

General Insurance Company.

This appeal has been preferred against the judgment
and award passed in Claim Case No. 87 of 2009 dated
05.02.2016 and 19.03.2016 by the learned 6th Additional District
Judge-cum Addl. Motor Vehicle Claims Tribunal, Bhagalpur,
whereby the learned court has awarded an amount of Rs.
430040/- (minus Rs. 50000/- as ad interim compensation) with
6% simple interest per annum from the date of filing of the case
till realization thereof as against Rs. 57000/- thereby rejecting
the actual claim.

The appellants are wife, widowed mother and minor
son of the deceased, Jitendra Kumar Yadav, who lost his life in



an accident arising out of the use of motor vehicle insured by the respondent Nos. 2, 3 and 4.

It is admitted fact that the auto rickshaw bearing registration No. BR10P-2025 was involved in the accident in which the deceased has lost his life.

The Motor Vehicle Claims Tribunal awarded an amount of Rs. 430040/-, in which 50,000/- paid as ad-interim compensation was adjustable. 6% simple interest was also awarded on that amount.

The main grievance of learned counsel for the appellants is that future prospect of the deceased was not calculated as per mandate of Hon'ble the Supreme Court in the case of *National Insurance Company Limited vs. Pranay Sethi & Ors. Reported in (2017) 16 SCC 680*.

On the other hand, learned counsel for the Insurance Company has opposed the prayer and has submitted that the amount awarded by the learned Tribunal is just and proper. Interest as awarded by the Tribunal is not adequate.

Considering the view taken by Hon'ble the Supreme Court of India in the case of *National Insurance Company Limited vs. Pranay Sethi & Ors.*, 40 % of the awarded money is allowed towards future prospect of the deceased in addition to



the award of loss of estate, loss of consortium and funeral expenses in view of the judgment of the Hon'ble Supreme Court in case of *Pranay Sethi*.

Despite that, Rs. 44,000/- to each is also awarded to appellant No. 2 and 3 for parental consortium.

With these observations, the appeal is allowed.

(Nawneet Kumar Pandey, J)

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