

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.410 of 2015

=====

Md. Gyas @ Gyasuddin son of late Md. Jamal resident of village Lakhanpur,
P.S. Tarapur, District Munger.

... .. Appellant/s

Versus

1. Barun Singh Son of Late Sarjug Singh resident of Village Kamrai, P.O. Masumganj, P.S. Asarganj and District Munger.
2. Not Known
3. National Insurance Co. Ltd. through Divisional Manager, Central Jail Road, Tilkamanjhi, District Bhagalpur

... .. Respondent/s

=====

with

Miscellaneous Appeal No. 415 of 2015

=====

1. Md. Walihasan @ Wali Hasan and Ors son of late Md. Jamal
2. Khalid Raja
3. Hamid Raja
4. Ahmad Raja
5. Sartaj Raja
6. Md. Owais
7. Masroor Ahmad all sons of Md. Wali Hasan
8. Mariya daughter of Md. Wali Hasan Appellant no. 2 and 8 are minors and are represented through their father appellant no. 1 as guardian and next friend. all residents of village Lakhanpur, P.S. Tarapur, District Munger.

... .. Appellant/s

Versus

1. Barun Singh Son of Late Sarjug Singh resident of Village Kamrai, P.O. Masumganj, P.S. Asarganj and District Munger.
2. Not Known
3. National Insurance Co. Ltd. through Divisional Manager, Central Jail Road, Tilkamanjhi, District Bhagalpur

... .. Respondent/s

=====

with

Miscellaneous Appeal No. 425 of 2015

=====

1. Md. Gyas @ Gyasuddin and Ors son of late Md. Jamal
2. Md. Asif Raja



3. Md. Burhanuddin Both sons of Md. Gyasuddin, Appellant no. 2 and 3 are minors and are represented through their father all residents of village Lakhanpur, P.S. Tarapur, District Munger.

... .. Appellant/s

Versus

1. Barun Singh Son of Late Sarjug Singh resident of Village Kamrai, P.O. Masumganj, P.S. Asarganj and District Munger.
2. Not known.
3. National Insurance Co. Ltd. through Divisional Manager, Central Jail Road, Tilkamanjhi, District Bhagalpur

... .. Respondent/s

=====

with

Miscellaneous Appeal No. 426 of 2015

=====

Md. Walihasan@ Wali Hasan son of late Md. Jamal resident of village Lakhanpur, P.S. Tarapur District Munger.

... .. Appellant/s

Versus

1. Barun Singh Son of Late Sarjug Singh resident of Village Kamrai, P.O. Masumganj, P.S. Asarganj and District Munger.
2. Not known.
3. National Insurance Co. Ltd. through Divisional Manager, Central Jail Road, Tilkamanjhi, District Bhagalpur

... .. Respondent/s

=====

Appearance :

(In Miscellaneous Appeal No. 410 of 2015)

For the Appellant/s : Mr. Madan Mohan, Advocate
For the Respondent/s : Mr. Ashok Priyadarshi, Advocate

(In Miscellaneous Appeal No. 415 of 2015)

For the Appellant/s : Mr. Madan Mohan, Advocate
For the Respondent/s : Mr. Ashok Priyadarshi, Advocate

(In Miscellaneous Appeal No. 425 of 2015)

For the Appellant/s : Mr. Madan Mohan, Advocate
For the Respondent/s : Mr. Ashok Priyadarshi, Advocate

(In Miscellaneous Appeal No. 426 of 2015)

For the Appellant/s : Mr. Madan Mohan, Advocate
For the Respondent/s : Mr. Ashok Priyadarshi, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER



16 28-11-2023 Heard learned counsel for the appellant and learned counsel for the respondents.

2. These appeals have been filed against the judgment and award dated 23.01.2015 passed in claim case no. 70 of 2013, Claim Case No. 71 of 2013 and Claim Case No. 72 of 2013, Claim Case No. 73 of 2013 arising out of the same accident from the same vehicle at the same time. All these claim cases were tried analogously and decided by a common judgment dated 23.01.2015.

MA No. 425 of 2015

3. This Miscellaneous Appeal has been filed against judgment dated 23.01.2015 and award dated 23.03.2015 for enhancement of compensation amount passed by the Learned Ad hoc Additional District Judge-I, Bhagalpur in Claim Case No. 70 of 2013. On account of death of Aasmin Khatoon, who was wife of appellant no. 1 and mother of minor sons of appellant no. 2 and 3. The Tribunal has awarded a sum of Rs. 5,43,436 only with 8%, interest break up of calculation by the learned Claims Tribunal is as follows”- The learned Tribunal has fixed Rs. 151/- as daily income of the deceased on the basis of minimum wages of unskilled labour and calculated the same for 26 days i.e. Rs. 151x26= Rs. 3926/-



1.	Monthly income of the deceased (151x26)	Rs. 3926/-
2.	Annual income of the deceased	Rs.47112/-
3.	1/3 personal expense as deceased age was 35 years	Rs.31,408/- (Rs. 47112-15,704)
4.	Multiplier as age of deceased was 35 years	17
5.	Total compensation	Rs. 17x31408= 533,936/-
6.	Loss of estate	2500
7.	Funeral Expenses	2000
8.	Loss of consortium	5000
9.	Total amount	Rs. 5,43,436/-

4. The appellant being aggrieved by the judgment and award passed by the learned Tribunal prayed for the following reliefs:- “The learned tribunal ought to have awarded following compensation which is just and proper.

NAME	Aasmin Khatoon
AGE	35 Years
MONTHLY INCOME	8,000/-
ANNUAL INCOME(8000X12)	96000
DEDUCTION TOWARDS PERSONAL & LIVING EXPENSES(1/3)	64000(96000-32000)
MULTIPLIER	17
AMOUNT OF COMPENSATION	1088000/- (17x64000)
LOSS OF ESTATE	16,500/-
LOSS OF CONSORTIUM	132000(44,000x3)
FUNERAL EXPENSES	16,500/-
TOTAL AMOUNT OF COMPENSATION	12,53,000/-
INTEREST @	8%

5. It is pertinent to mention that the Insurance Company has not challenged this impugned judgment and award.



