

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.620 of 2022

1. The State of Bihar Bihar.
2. Collector, Jamui.
3. Superintendent of Police, Jamui.

... .. Appellant/s

Versus

1. Sakli Devi @ Sarswati @ Sakhi Devi wife of Late Bahadur Yadav resident of Village- Chito Chak, Tatwadih, Police Station- Jhajha, District- Jamui.
2. Sanjay Kumar (Minor) son of Late Bahadur Yadav under the guardianship of his mother Sakli Devi, resident of Village- Chito Chak, Tatwadih, Police Station- Jhajha, District- Jamui.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Paras Mani, Advocate
For the Respondent/s : Mr.Rajesh Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

Date : 20-11-2025

Heard Mr. Sanjay Paras Mani, learned counsel for the appellants and Mr. Rajesh Kumar Sinha, representing the claimant.

2.The present petition has been preferred for the following relief/s:

(i) for a direction on the claim case no. 27/2014 which was tried and decided by Sri Rakesh Kumar No.01, Additional District and Sessions Judge- IV, Jamui who has allowed the total



*claim of the Claimant by his order
dated 21.01.2020.*

3. The facts leading to the present appeal is/are as follows:

4. **On 07.03.2011**, when the claimant's husband was moving with his brothers on a motorcycle (Registration No. BR-46-9097), near the Power Grid crossing, the Police while chasing a Santro Car hit the motorcycle by the Police Gypsy. All the motorcycle riders were taken to Primary Health Centre, Gidhaour and were declared brought dead. The Police party escaped leaving the Police Gypsy which was set on fire by the locals. This led to **Gidhaour P.S. Case No. 26 of 2011** (under sections 279, 304A and 427 of the Indian Penal Code) on **07.03.2011**. Since the Gypsy belonged to the State of Bihar, the present **Claim case no. 27 of 2014 (Sakli Devi vs. Bharat Rawat & Ors.)** came into existence.

5. The Motor Vehicle Claim Tribunal cum Additional District Judge-IVth, Jamui (henceforth for short 'the Tribunal') took up the matter and framed the issues as follows:

(i) whether the claim is maintainable?

*(ii) whether the Police Gypsy was being
driven in a rash and negligent manner*



causing death of the claimant's husband?

(iii) whether it is hit by limitation?

(iv) whether the case is even otherwise defective?

(v) whether the lady is entitled to the relief?

6. The claimant submitted that he was serving as the labour in the tobacco business and was earning Rs. 5000/- per month. On the other hand, the State countered the claim of the claimant. 'The Tribunal' recorded that no supporting documents were put forward by them to show the earning of Rs.5000/-.

7. Accordingly, 'the Tribunal' came to the conclusion that the accident has taken place by the government vehicle (Registration no. BR – 46-9097) which led to the death of claimant's husband and in that background, she is entitled to the relief sought for.

8. So far as the quantum is concerned, 'the Tribunal' came to the conclusion that there is no documentary proof to show that he was earning Rs.5000/- per month as it was reduced to Rs.3000/- per month. Accordingly, direction was given to pay



Rs. 6, 74,800/- alongwith 6% interest.

9. Aggrieved, the present appeal.

10. Learned counsel for the appellant submits that admittedly, on a motorcycle, three persons were occupying the seat. Further, there is nothing on record to show that the driver was driving the vehicle with valid driving license.

11. In this case, the claimant has appeared, according to him, Bhola Yadav was driving the vehicle who was having valid driving license. Further, it is an accepted fact that the motorcycle was hit by the Police Gypsy which was being driven in rash and negligent manner causing death of the bread earner and 'the Tribunal' has fixed the minimum salary of 3000/- per month which has still not been paid to the claimant.

12. This Court has gone through the case and the materials on record. 'The Tribunal' framed the issues and and came to the conclusion that the motorcycle was hit by the Police Gypsy which followed the FIR. As recorded above, the State cannot exonerate its responsibility when the only bread earner of the claimant died in the accident. 'The Tribunal' took the lowest monthly salary of the deceased @ Rs.3000/- and accordingly, directed to make payment.

13. The accident took place in the year 2011, the



order came to be passed in the year 2020, five years later, the claimant is still waiting for the award amount. In that background, this Court do not find any merit in the appeal, it is accordingly, dismissed.

14. It has been informed by the learned counsel representing the State that a cheque of Rs. 6, 74,000/- was presented before 'the Tribunal' on 01.12.2023 pursuant to the execution case that was filed by the claimant. In that background, whether they are supposed to pay any interest from the date of the order till today.

15. Learned counsel representing the claimant submits that presenting the draft before 'the Tribunal' which remained static does not absolve the State from the responsibility and they are required to pay from the date of order till the date of actual payment.

16. This Court is in conformity with the submissions put forward by the learned counsel representing the claimant. The claimant is entitled to Rs. 6,74,800/- with 6% interest from 22.01.2020 till the actual payment is made by the State. However, if the cheque and/or draft has been handed over to the claimant, no interest is to be paid.

17. On the contrary, if the payment has not been



made, the claimant is entitled to the payment with interest by 31.12.2025. Failure to do so, from 01.01.2026, the claimant shall be entitled to 9% interest. If, however, the payment is still not made by 31.03.2026, she will be entitled to an additional amount of Rs. 25000/- which can be realized from the officials who delayed making payment.

18. The M.A. No. 620 of 2022 is disposed of.

(Rajiv Roy, J)

Ravi/-

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CAV DATE	
Uploading Date	21.11.2025
Transmission Date	

