IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 142 of 2021

The Branch Manager, M/S the Oriental Insurance Company Limited, Dhanbad Branch office, Rathore Mansion, Bank More, P.O. & P.S. Bank More, District Dhanbad, through its Legal Cell, Prabodh Tower, 3rd floor, S.N. Ganguli Road, P.O. GPO, P.S. Kotwali, District-Ranchi.

... Appellant/Defendant No.2

Versus

1. Prem Lata Devi, aged about 48 years, Wife of Shri Kishor Ram,
2. Kishore Ram, aged about 58 years, Son of late Ram Lakhan Ram.
3. Sweta Kumari, aged about 19 years, daughter of Shri Kishore Ram.
   All are resident of Mohan Pur, P.O. Pachamba, P.S. Town Thana, Giridih, District Giridih, at present C/O Shri Ashok Kumar, resident of near Shitla Mandir, Maithan, P.O. & P.S. Maithan, District-Dhanbad.
   Adhar No. 2332 0672 4267, Mobile No. 9931072238.

…….. Respondents/Plaintiffs.

4. Rudra Narayan Pandey, son of late Ganesh Pandey, resident of H.no. 18, Bhitiya, P.O.- Kunda, P.S. & District - Deoghar -814143, (Jharkhand).

…… Respondent/ Defendant No. 1.

CORAM: HON'BLE THE CHIEF JUSTICE

For the Appellant: Mr Manish Kumar, Advocate
For Resp. Nos.1,2&3: Mr Shekhar Prasad Sinha, Advocate

07/Dated: 24.04.2026

1. Heard learned counsel for the parties.

2. Since this appeal is only on the issue of quantum, with the consent of and at the request of learned counsel for the parties, the same is taken up for final hearing.

3. Mr Manish Kumar, the learned counsel for the appellant, submits that the income of the deceased Ashis Kumar should not have been

taken at Rs. 10,000/- per month, because there was no documentary evidence to support this claim. He submitted that the deceased was allegedly working as Banner Maker for which again, there was no documentary evidence. Accordingly, he submitted that the compensation amount has to be scaled down.

4. Mr Shekhar Prasad Sinha, the learned counsel for the claimants, submits that there was evidence about the deceased being a skilled Banner Maker earning Rs. 10,000/- per month. Besides, the Tribunal has also considered the Minimum Wages Notification of the year 2017, which refers to the income of a skilled worker at Rs. 371/- per day. Accordingly, he submitted that there was no error in the determination of the compensation amount.

5. Mr Shekhar Prasad Sinha submitted that the Tribunal has awarded compensation towards loss of consortium of only Rs. 40,000/-, but, in fact, there were three claimants, and this amount should have been Rs. 40,000/- for each of the claimants, given the law laid down by the Hon'ble Supreme Court in **Magma General Insurance Co. Versus Nanu Ram**, *(2018) 18 SCC 130*.

6. On considering rival contentions, I find that there was sufficient material on record to determine the income of the deceased at Rs. 10,000/- per month. In fact, such a determination was on a conservative basis because the deceased was around 22 years old at the time of his death, and there was clear evidence that he was a

skilled Banner Maker. Even the Minimum Wages Notification refers to wages of Rs. 371/- per day.

7. The income determined by the Tribunal was well within the range of reasonableness and was supported by the claimants' oral evidence. Accordingly, no case is made out to allow this appeal.

8. Since it is the duty of this Court to determine just compensation, the compensation amount already awarded will have to be enhanced by an additional amount of Rs. 80,000/-. This is because only Rs. 40,000/- has been awarded as compensation towards loss of consortium. There were three claimants. Given the law laid down in **Magma General Insurance Co.** (supra), this compensation should have been awarded to each claimant.

9. Therefore, justifying the enhancement of Rs. 80,000/-, this appeal is disposed of by directing the appellant to pay further compensation of Rs. 80,000/- to the claimants.

10. Since the original compensation has been deposited with the Tribunal, leave is granted to the claimants to withdraw the same upon furnishing their identity and bank details.

11. The amount should be transferred directly into the claimants' bank accounts, not via any other means.

12. The enhanced compensation of Rs. 80,000/- together with interest @ 7% per annum from the date of the Tribunal’s award will have to be deposited before the Tribunal within one month from today, after giving due intimation to the learned counsel for the claimants.

13. The Tribunal should allow withdrawals on the same terms as indicated above.

14. The appeal is disposed of, without any order for costs.

15. The I.A. No. 11675 of 2024 for withdrawal is also disposed of given the above order.

16. The statutory amount of Rs. 25,000/- can be returned to the appellant once the enhanced compensation is deposited before the Tribunal and proof of such deposit is filed in this Court.

(M. S. Sonak, C.J.)

April 24, 2026

N.A.F.R.

Manoj/Sharda/Cp.2

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