

Raj Narayan Mishra Vs National Insurance Company Limited

Court: Jharkhand High Court

Date of Decision: Jan. 15, 2025

Hon'ble Judges: Gautam Kumar Choudhary, J

Bench: Single Bench

Advocate: Sudhansu Kumar Deo, Amresh Kumar, Arpita Sinha, Namita Sahay, Ram Lakhan Yadav

Final Decision: Disposed Of

Judgement

Gautam Kumar Choudhary, J

1. This appeal is preferred against the judgment dated 07.05.2016 passed in M.A.C.T. No.14/2015 whereby and whereunder the compensation of

Rs.7,38,500/- with simple interest @ 6%, was awarded in favour of the claimants against the appellant, who was owner of the vehicle which met with

an accident. If the payment was not made within 90 days, a penal interest of 9 % was awarded.

2. As per the case of the claimants, the deceased was serving as a Cleaner in the bus which met with an accident resulting in his death. Learned

Tribunal recorded a finding that the appellant was serving as a Cleaner on salary of Rs.8000/- per month and awarded compensation to the claimants,

who are the legal heirs and dependents of the deceased.

3. It is argued by the learned counsel on behalf of the appellant that the deceased was not the Cleaner in the bus and after the said accident, the

vehicle was set on fire by the unruly crowd, as a result of which the appellant has suffered huge financial loss. These factors were not considered by

the learned trial Court.

4. It is argued by the learned counsel on behalf of respondents that no evidence was led on behalf of the appellant to controvert that the deceased was

not the Cleaner in the bus of the appellant. Further, there is oral and documentary evidence on the basis of which a finding has been recorded that the

deceased was serving as a Cleaner and died in the accident.

5. Having considered the submissions advanced on behalf of both sides, I find force in the argument advanced on behalf of the respondents that in the

absence of any contrary evidence, disputing the pleadings and evidence of the claimant that the deceased was serving as a Cleaner in the bus, there

was no infirmity in the finding of trial Court on this count. Furthermore, the fact that whether the bus was set on fire or not, is not relevant for

adjudicating the claim of compensation.

6. The appeal, therefore, fails. Award of compensation with 6% rate of interest, is affirmed. However, the penal interest @ 9% is set aside.

Accordingly, the Miscellaneous Appeal stands dismissed.