

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 274 of 2025

ICICI Lombard General Insurance Company Ltd. through The Legal Manager, Sri. Amit Jaiswal Aged about 35 years S/o Mr. Maheshwar Bhagat Office at City Center, Chandrakali Bhawan, near Jai Jawan Petrol Pump, Sector 4, P.S Sector 4 District- Bokaro, 827004, Zonal Office 1st Floor, Lake View Tower, Kadru Bypass Road Doranda Ranchi P.O & P.S. Doranda District-Ranchi, 834002. ((Insurer of Motorcycle bearing Reg. No. JH-09AT-1479).

..... Appellant

Versus

1. Priyanka Kumari W/o Late Girges Kumar, 22 years (wife of Deceased)
2. Supriya Kumari (Minor) D/o Late Girges Kumar, 02 years (Daughter of Deceased)
3. Sanjeet Kumar (Minor) S/o Late Babulal Saw, 17 years (Represented through legal guardian Priyanka Kumari), (All R/o Village Singh Nagar, P.O. & P.S. Bermo, District-Bokaro, Jharkhand.
4. Sunita Devi W/o Haridas Mahli R/o Mahli Tola, Bongasouri, P.O & P.S Rajrappa Honhe. Respondents

CORAM : HON'BLE THE CHIEF JUSTICE

For the Appellant : Mr Nikhil Ranjan, Advocate
For the Respondent No.4 : Mr Vishal Kumar Binay, Advocate

03 /Dated: 08.05.2026

1. Heard the learned counsel for the parties.
2. Learned counsel for the appellant sought leave to withdraw this appeal by pointing out that the entire awarded compensation amount has been deposited before the Executing Court and the same has already been withdrawn.
3. However, upon noticing the impugned award, I find that the Tribunal has awarded only Rs. 30,000/- towards consortium in respect of the three claimants. This is *ex facie* contrary to the law laid down in Sarla Verma (Smt) and others Vs. Delhi Transport Corporation and another, (2009) 6 SCC 121 and Magma General Insurance Co. Ltd. v. Nanu Ram, (2018) 18 SCC 130.
4. In terms of the said two decisions of the Hon'ble Supreme Court, which are binding on the Tribunal, as well as this Court, the compensation towards consortium should have been Rs. 48,000/- towards each of the claimants.

Instead, compensation of only Rs. 30,000/- has been awarded. Accordingly, leave was declined to withdraw this appeal.

5. Learned counsel for the appellant submitted that the compensation of Rs. 50,000/- has been awarded towards loss of love and affection, which could not have been awarded in terms of the law laid down in *Sarla Verma (supra)* and *National Insurance Company Ltd Vs. Pranay Sethi & Ors.*, (2017) 16 SCC 680. He further submitted that the determination of annual income at Rs. 15,000/- per month is also excessive. He submitted that this was over and above the minimum wages notification prevalent at the relevant time.

6. Insofar as the argument based on loss of love and affection is concerned, the same can be taken as akin to compensation towards consortium in the peculiar facts of this case. Thus, it can be held that the Tribunal has awarded a total sum of Rs. 80,000/- towards the consortium. However, the consortium amount should have been Rs. 1,44,000/- i.e., Rs. 48,000/- per claimant. Accordingly, an additional Rs. 64,000/- needs to be paid for the compensation to be described as just compensation.

7. Insofar as the argument about income is concerned, there is no law that in every case only the income referred to in the minimum wages notification must be awarded. Here, no argument based on the minimum wages notification appears to have been advanced. Even the minimum wages notification was never produced on record.

8. The Tribunal has discussed the issue of income in paragraph-12 in some detail. The Tribunal has noted that there was not even any substantive denial to the pleading that the deceased labourer was earning Rs. 500/- per day. In fact, the pleading was that he was earning Rs. 600/- per day. Still, the Tribunal has

taken the deceased labourer's income at Rs. 500/- per day. There is nothing unreasonable in such a determination.

9. Learned counsel for the appellant states that the amount originally awarded has already been deposited before the Executing Court. Accordingly, the Executing Court should now transfer the said amount, together with any accrued interest, to the claimants.

10. For this, learned counsel for the claimants will have to provide identity and bank details, so that the amounts can be transferred into the claimants' Bank account. Under no circumstances should the amount be paid to the claimants other than through the regular banking channels.

11. The appellant should deposit the enhanced compensation amount of Rs. 64,000/- together with interest thereon at the rate of 6% per annum from the date of filing of the claim petition till the date of actual payment/ deposit within four weeks from today, with necessary intimation to the learned counsel for the claimants. The Executing Court must transfer even this amount to the claimants' Bank account, as indicated above.

12. The apportionment ordered by the Tribunal is not disturbed and must be followed. The order for pay and recovery is also not disturbed.

13. This appeal is disposed of in the above terms. Pending I.As., if any, will not survive and are disposed of.

14. The statutory amount deposited by the appellant in this Court is directed to be refunded to the appellant along with interest, if any, that may have accrued on this amount, subject to deposit enhanced compensation. No costs.

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