

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP.No.399/2006**

% Date of decision: 25th November, 2009

SATYA PAL ASHTA Appellant
Through : Mr. Navneet Goyal and
Mr. Varun Kumar, Advs.

versus

NEW INDIA ASSURANCE COMPANY LTD. Respondent
Through : Mr. D.K. Sharma, Adv.

CORAM :-
THE HON'BLE MR. JUSTICE J.R. MIDHA

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| 1. | Whether Reporters of Local papers may be allowed to see the Judgment? | YES |
| 2. | To be referred to the Reporter or not? | YES |
| 3. | Whether the judgment should be reported in the Digest? | YES |

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.3,50,000/- has been awarded to the appellant. The appellant seeks enhancement of the award amount.

2. The accident dated 15th July, 1997 resulted in the death of Sonia. The deceased was survived by her father who filed the claim petition before the learned Tribunal.

3. The deceased was aged 21 years at the time of the accident and had passed M.Sc. (Hons.) in Micro Biology. The learned Tribunal took the notional income of the deceased to be Rs.40,000/- per annum, deducted 1/2 towards personal expenses

and applied the multiplier of 17 to compute the loss of dependency at Rs.3,40,000/-. Rs.10,000/- has been awarded towards funeral expenses. The total compensation awarded is Rs.3,50,000/-.

4. The learned counsel for the appellant submits that no compensation has been awarded for loss of love and affection and loss of estate. The learned counsel for the appellant also seeks enhancement of interest from 5.5% to 7.5%.

5. Rs.15,000/- is awarded towards loss of love and affection and Rs.10,000/- towards loss of estate. The learned Tribunal has awarded interest @5.5% per annum which is enhanced to 7.5% per annum following the aforesaid judgment of the Hon'ble Supreme Court in the case of **Dharampal vs. U.P. State Road Transport Corporation, III 2008 ACC (1) SC.**

6. The appeal is allowed and the award amount is enhanced from Rs.3,50,000/- to Rs.3,75,000/- along with interest @7.5% per annum from the date of filing of the petition till realization.

7. The enhanced award amount along with interest be deposited by respondent No.1 with UCO Bank, Delhi High Court Branch A/c Satya Pal Ashta through Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) within 30 days.

8. Upon the aforesaid deposit being made, UCO Bank is directed to release the said amount to the appellant by transferring the same to his Saving Bank Account.

9. Copy of this order be given 'Dasti' to learned counsel for both the parties under signature of Court Master.

J.R. MIDHA, J

NOVEMBER 25, 2009

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