

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

+ **MAC.APP.No.481/2006**

% Date of decision: 25th November, 2009

SATYA PAL ASHTA & ANR Appellants
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 appellants have challenged the award of the learned Tribunal whereby compensation of Rs.5,87,000/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 15th July, 1997 resulted in the death of Sarabjeet Kaur. The deceased was survived by her husband and son who filed the claim petition before the learned Tribunal.

3. The deceased was aged 44 years at the time of the accident and was a housewife. The learned Tribunal has taken the value of the services of the deceased by taking 1/3rd of the income of

her husband and the multiplier of 11 was applied to compute the loss of dependency at Rs.5,72,000/-. Rs.10,000/- has been awarded towards funeral expenses, conveyance and loss of love and affection and Rs.5,000/- has been awarded towards loss of consortium. The total compensation awarded is Rs.5,87,000/-.

4. The learned counsel for the appellants submit that the multiplier of 11 should be enhanced to 14, compensation towards funeral expenses and loss of love and affection be enhanced, compensation be awarded towards loss of estate and the rate of interest be enhanced.

5. The deceased was aged 44 years at the time of the accident and the appropriate multiplier at the age of 44 is 14. The multiplier is, therefore, enhanced from 11 to 14.

6. The learned Tribunal has not awarded any compensation towards loss of estate. Rs.10,000/- is awarded for loss of estate. The compensation towards funeral expenses, loss of love and affection and loss of consortium is fair and reasonable and does not call any interference.

7. 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.**

8. The appeal is allowed and the award amount is enhanced from Rs.5,87,000/- to Rs.7,53,000/- [(Rs.13,000 x 12 x 14 x 1/3) + Rs.10,000 + Rs.10,000 + Rs.5,000] along with interest @7.5%

per annum from the date of filing of the petition till realization.

9. 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.

10. Upon the aforesaid deposit being made, UCO Bank is directed to release 25% of the same to appellant No.1 and 25% to appellant No.2 by transferring to their Saving Bank Account. The remaining amount be kept in fixed deposit in the joint names of appellants No.1 and 2 for a period of three years with cumulative interest.

11. 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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