

IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 8th September, 2009

versus

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

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.5,13,000/- has been awarded to the appellants. The appellants seek enhancement of the award amount.
2. The accident dated 26th September, 2007 resulted in the death of Man Mohan. The deceased was survived by his parents who filed the claim petition before the learned Tribunal.
3. The deceased was aged 22 years at the time of the accident and was working as a Executive in a private firm earning Rs.8,000/- per month. However, in the absence of any documentary evidence to prove the income, the learned Tribunal

took the minimum wages of Rs.4,000/- into consideration. 50% was added towards the future prospects and the income of the deceased for computation of compensation was taken to be Rs.6,000/- per month. The mother of the deceased was 40 years old and the father of the deceased was 48 years old at the time of the accident and the appropriate multiplier according to the recent judgment of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation, 2009 (6) Scale 129** is 15. However, the learned Tribunal has applied the multiplier of 13 to compute the loss of dependency.

4. The only ground urged by learned counsel for the appellants at the time of hearing of this appeal is that the multiplier be enhanced from 13 to 15 according to the judgment of the Hon'ble Supreme Court in the case of **Sarla Verma** (supra).

5. Following the aforesaid judgment, the multiplier is enhanced from 13 to 15. The loss of dependency by taking the income of the deceased to be Rs.6,000/- per month, deducting 1/2 towards the income of the deceased and applying the multiplier of 15 is computed to be Rs.5,40,000/- ($\text{Rs.6,000} \times \frac{1}{2} \times 12 \times 15$). Adding Rs.30,000/- towards the loss of love and affection, Rs.10,000/- towards funeral expenses and Rs.5,000/- towards loss of estate, the total compensation is computed to be Rs.5,85,000/- ($\text{Rs.5,40,000} + \text{Rs.30,000} + \text{Rs.10,000} + \text{Rs.5,000}$).

6. The appeal is allowed and the award amount is enhanced from Rs.5,13,000/- to Rs.5,85,000/- 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 the appellant with the learned Tribunal within a period of 30 days.

8. Upon such deposit being made, the learned Tribunal is directed to release 50% of the enhanced award amount along with interest to the appellants and the remaining 50% be kept in fixed deposit in a nationalized bank for a period of three years on which periodical interest be paid to the appellants but no loan, advance or withdrawal be permitted without the permission of the learned Tribunal

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

J.R. MIDHA, J

SEPTEMBER 08, 2009

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