

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ MAC.APP.No.371/2008**

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Date of decision: 23rd November, 2009

SANJU DEVI & ORS Appellants
Through : Mr. Amit Kumar Pandey, Adv.

versus

ARVIND KUMAR & ORS Respondents
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.17,48,000/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 6th March, 2004 resulted in the death of Satya Bir Singh. The deceased was survived by his widow, three daughters and parents who filed the claim petition before the learned Tribunal.

3. The deceased was aged 35 years at the time of the accident and was earning Rs.8,033/- per month which was rounded off to Rs.8,000/- per month. The learned Tribunal added 50% towards

future prospects of the deceased, deducted $1/4^{\text{th}}$ towards the personal expenses and applied the multiplier of 16 to compute the loss of dependency at Rs.17,28,000/-. The learned Tribunal has awarded Rs.20,000/- towards loss of love and affection, loss of consortium and funeral expenses. The total compensation awarded is Rs.17,48,000/-.

4. The learned counsel for the appellants has urged the following grounds at the time of hearing of this appeal:-

- (i) The personal expenses of the deceased be reduced from $1/4^{\text{th}}$ to $1/5^{\text{th}}$.
- (ii) The compensation for loss of love and affection be enhanced.
- (iii) The compensation be awarded for loss of estate.
- (iv) The rate of interest be enhanced.

5. With respect to the personal expenses of the deceased, the learned Tribunal has deducted $1/4^{\text{th}}$ of the income. In the recent judgment of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation, 2009 (6) Scale 129**, the appropriate deduction towards the personal expenses where the deceased has left behind 4 to 6 dependents is $1/4^{\text{th}}$. The deduction of $1/4^{\text{th}}$ by the learned Tribunal is, therefore, upheld.

6. The learned Tribunal has awarded Rs.20,000/- towards loss of consortium, funeral expenses and loss of love and affection which is on a lower side.

7. The compensation of Rs.20,000/- awarded by the learned

Tribunal is treated to be towards loss of consortium and funeral expenses. Rs.20,000/- is awarded towards loss of love and affection. The learned Tribunal has not awarded any compensation for loss of estate. Rs.10,000/- is awarded towards loss of estate. The learned Tribunal has awarded interest @7% per annum which is enhanced to 7.5% per annum. The total compensation is computed to be Rs.17,78,000/- (Rs.17,28,000 + Rs.20,000 + Rs.20,000 + Rs.10,000).

8. The appeal is allowed and the award amount is enhanced from Rs.17,48,000/- to Rs.17,78,000/- 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.3 with UCO Bank, Delhi High Court Branch A/c Sanju Devi by means of a cheque 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 amount being deposited, UCO Bank is directed to release the said amount to appellant No.1 by transferring the said amount to her Saving Bank Account.

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 23, 2009

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