

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

+ **MAC.APP.No.502/2007**

% Date of decision: 26th October, 2009

MAYA & ANR Appellants
Through : Mr. D.D. Singh, Adv.

versus

SANJAY GHAI & ORS Respondents
Through : Ms. Suman Bagga, 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 accident dated 4th July, 2003 resulted in the death of Deep Chand Chauhan. The deceased was survived by his widow, three children and a daughter who filed the claim petition before the learned Tribunal.

2. The deceased was aged 54 years at the time of the accident and was an agriculturist. The appellants claimed the income of the deceased to be Rs.10,000/- per month. However, the learned Tribunal took the income of the deceased to be Rs.4,500/- per month, deducted 1/3rd towards the personal expenses and applied the multiplier of 8 to compute the loss of dependency at Rs.2,88,000/-. Rs.5,000/- has been awarded towards funeral expenses and Rs.20,000/- towards loss of love and affection. The

total compensation awarded is Rs.3,13,000/-.

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

- (i) The income of the deceased be taken to be Rs.10,000/- per month.
- (ii) The personal expenses of the deceased be reduced from 1/3rd to 1/4th.
- (iii) The multiplier be enhanced from 8 to 11.
- (iv) The compensation be awarded for loss of consortium and loss of estate.

4. With respect to the income of the deceased, there is no documentary evidence to prove the income. The learned Tribunal has, therefore, taken the minimum wages into consideration. The learned Tribunal has also taken into consideration the increase in minimum wages to meet the increase in price index and inflation rate. The finding of the learned Tribunal taking the income of the deceased as Rs.4,500/- per month is upheld.

5. With respect to the multiplier and personal expenses, it is well settled by the judgment of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation, 2009 (6) Scale 129** that the appropriate multiplier at the age of 54 years is 11 and the appropriate deduction towards personal expenses where the deceased has left behind 4 to 6 legal representatives is 1/4th.

6. Following the judgment of the Hon'ble Supreme Court, the multiplier is enhanced from 8 to 11 and the personal expenses of the deceased are reduced from $\frac{1}{3}^{\text{rd}}$ to $\frac{1}{4}^{\text{th}}$. Rs.10,000/- is awarded towards loss of consortium and Rs.10,000/- towards loss of estate. Taking the income of the deceased to be Rs.4,500/- per month, deducting $\frac{1}{4}^{\text{th}}$ towards personal expenses and applying the multiplier of 11, the loss of dependency is computed to be Rs.4,45,500/- ($\text{Rs.4,500} \times \frac{3}{4} \times 12 \times 11$). The appellants are entitled to total compensation of Rs.4,90,500/- ($\text{Rs.4,45,500} + \text{Rs.5,000} + \text{Rs.20,000} + \text{Rs.10,000} + \text{Rs.10,000}$).

7. The appeal is allowed and the award amount is enhanced from Rs.3,13,000/- to Rs.4,90,500/- along with interest @7.5% per annum from the date of filing of petition till realization.

8. The enhanced award amount along with interest be deposited by respondent No.2 with State Bank of India, Tis Hazari Branch A/c Maya within 30 days through Mr. H.S. Rawat, Relationship Manager, Tis Hazari Branch, Tis Hazari (Mb: 09717044322).

9. The order with respect to disbursement of enhanced award amount shall be passed after hearing the claimants on the next date of hearing. The claimants are directed to remain present in the Court on the next date of hearing.

10. List for directions on 7th December, 2009.

J.R. MIDHA, J

OCTOBER 26, 2009

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