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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP.No.289/2009

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Date of decision: 09th October, 2009

NATIONAL INSURANCE COMPANY LTD. Appellant
Through : Mr. Manoj Ranjan Sinha, Adv.

versus

VANSH KUMAR KHATRI (MINOR) & ORS. Respondents
Through : Mr. Anshuman Bal, Adv.
for R-1 to 3.

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.7,90,100/- has been awarded to claimants/respondents No.1 to 3.

2. The accident dated 12th January, 2006 resulted in the death of Buntty Khatri. The deceased was survived by his widow, two sons and mother who filed the claim petition before the learned Tribunal.

3. The deceased was aged 25 years at the time of the accident and was working as a driver earning Rs.6,500/- per month. However, in the absence of sufficient proof, the learned Tribunal took the minimum wages of Rs.3,650/- into consideration. The

learned Tribunal took note of increase in minimum wages due to inflation and rise in price index and took the average of minimum wages and its double to compute the loss of dependency at Rs.7,45,100/- Rs.35,000/- has been awarded towards loss of love and affection, Rs.5,000/- towards funeral expenses and Rs.5,000/- towards loss of estate. The total compensation awarded is Rs.7,90,100/-.

4. The only ground raised by learned counsel for the appellant at the time of hearing of this appeal is that the increase in minimum wages due to inflation and rise in price index should not have been taken into consideration by the learned Tribunal.

5. This case is squarely covered by the catena of judgments of this Court in the cases of **Kanwar Devi vs. Bansal Roadways, 2008 ACJ 2182, National Insurance Company Limited vs. Renu Devi III (2008) ACC 134 and UPSRTC vs. Munni Devi, MAC.APP.No.310/2007** decided on 28.07.2008 where it has been held that the Court should take judicial notice of increase in minimum wages to meet the increase in price index and inflation rate. The Court has taken the view that the minimum wages get doubled over the period of 10 years and increase in minimum wages is not akin to future prospects.

6. This case is squarely covered by the aforesaid judgment of this Court and the learned Tribunal was justified in taking note of increase in minimum wages. There is no infirmity in the award of the learned Tribunal.

7. There is no merit or substance in this appeal which is dismissed.

8. The appellant has deposited the entire award amount along with interest with the learned Tribunal. The learned Tribunal has retained one fixed deposit receipt of Rs.2,00,000/- in terms of the order dated 29th May, 2009. Since the appeal has been dismissed, the learned Tribunal is directed to release the FDR of Rs.2,00,000/- to the claimants in terms of its award.

J.R. MIDHA, J

OCTOBER 09, 2009

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