

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ MAC.APP.No.616/2008**

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Date of decision: 27th August, 2009

GEETA SINGH & ORS. Appellants
Through : Mr. Manish Maini, Adv.

versus

VIRENDER & ORS. Respondents
Through : Mr. Abhishek Kumar, Adv.
for R – 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.16,69,160/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 30th July, 2006 resulted in the death of Jitender Singh Chauhan. The deceased was survived by his widow, two minor children and parents who filed the claim petition before the learned Tribunal.

3. The deceased was aged 31 years at the time of the accident and was an electronic engineer. The learned Tribunal deducted 1/3rd towards the personal expenses of the deceased and applied

the multiplier of 13 to compute the loss of dependency at Rs.16,29,160/-. Rs.15,000/- has been awarded towards loss of estate, funeral expenses and transportation of dead body. Rs.10,000/- has been awarded towards loss of consortium and Rs.15,000/- has been awarded towards loss of love and affection. The total compensation awarded is Rs.16,69,160/-

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

(i) The multiplier be enhanced from 13 to 16.

(ii) The personal expenses of the deceased be reduced from $\frac{1}{3}^{\text{rd}}$ to $\frac{1}{4}^{\text{th}}$.

5. It is well settled by the recent 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 31 years is 16 and $\frac{1}{4}^{\text{th}}$ has to be deducted towards the personal expenses of the deceased, who has left behind five legal representatives.

6. Following the aforesaid judgment of the Hon'ble Supreme Court, the multiplier is enhanced from 13 to 16 and the personal expenses of the deceased are reduced from $\frac{1}{3}^{\text{rd}}$ to $\frac{1}{4}^{\text{th}}$. Applying the multiplier of 16 and taking the personal expenses of the deceased to be $\frac{1}{4}^{\text{th}}$, the loss of dependency is computed to be Rs.22,55,760/- (Rs.1,87,980 X $\frac{3}{4}$ X 16). Adding Rs.15,000/- towards the loss of estate, funeral expenses, transportation of dead body and Rs.10,000/- towards loss of consortium and Rs.15,000/- towards the loss of love and

affection, the total compensation is computed to be Rs.22,95,760/- (Rs.22,55,760 + Rs.15,000 + Rs.10,000 + Rs.15,000).

7. The appeal is allowed and the award amount is enhanced from Rs.16,69,160/- to Rs.22,95,760/- along with interest @ 7.5% per annum from the date of filing of the petition till realization.

8. The enhanced amount be deposited by respondent No.3 with UCO Bank, Delhi High Court Branch within 30 days.

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

10. List for directions on 27th October, 2009.

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

12. Copy of this order be also sent to Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) through the UCO Bank, High Court Branch under the signature of Court Master.

AUGUST 27, 2009
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J.R. MIDHA, J