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IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP.No.440/2009

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Date of decision: 08th October, 2009

SANTOSHA DEVI Appellant
Through : Mr. Gautam Das and
Mr. Uday Shankar, Advs.

versus

ABDUL KAREEM & ORS. Respondents
Through : Mr. S.L. Gupta, Mr. Ram Ashray
and Mr. A.B. Sharma, Advs.
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)

CM No.12806/2009 (Delay)

1. For the reasons stated in the application, the delay of one day in filing the appeal is condoned.
2. The application stands disposed of.

MAC.APP.No.440/2009

1. Issue notice to respondent No.3.
2. Mr. S.L. Gupta, Advocate accepts notice on behalf of respondent No.3.
3. This case involves a very short point and, therefore, with the consent of the parties the appeal has been finally heard.

4. The appellants have challenged the award of the learned Tribunal whereby compensation of Rs.4,96,928/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

5. The accident dated 13th November, 2006 resulted in the death of Raju. The deceased was survived by his widow, parents and two minor daughters who filed the claim petition before the learned Tribunal.

6. The deceased was aged 35 years at the time of the accident and was working as a skilled labourer. The learned Tribunal took the minimum wages of Rs.3,312/- into consideration and deducted 1/4th towards the personal expenses of the deceased and applied the multiplier of 16 to compute the loss of dependency at Rs.4,76,928/-. Rs.10,000/- has been awarded towards loss of consortium and Rs.10,000/- has been awarded towards funeral expenses and last rites of the deceased. The total compensation awarded is Rs.4,96,928/-.

7. The only ground urged by learned counsel for the appellant at the time of hearing of this appeal is that the increase in minimum wages has not been taken into consideration by the learned Tribunal.

8. It is well settled by catena of judgments of this Court in the cases of 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 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.

9. Following the aforesaid judgments of this Court, the income of the deceased is computed by taking the average of minimum wages of Rs.3,312/- at the time of the accident and its double which comes to Rs.4,968/- $[(Rs.3,312 + Rs.6,624)/2]$. Taking the income of the deceased to be Rs.4,968/-, deducting $1/4^{th}$ towards the personal expenses of the deceased and applying the multiplier of 16 and adding Rs.10,000/- towards the loss of consortium and Rs.10,000/- towards funeral expenses and last rites, the total compensation is computed to be Rs.7,35,392/- $[(Rs.4,968 \times 12 \times 16 \times 3/4) + Rs.10,000 + Rs.10,000]$.

10. The appeal is allowed and the award amount is enhanced from Rs.4,76,928/- to Rs.7,35,392/-. The learned Tribunal has awarded interest @ 9% per annum which is not disturbed on the original award amount of Rs.4,96,928/-. However, on the enhanced award amount, the appellant shall be entitled to interest @ 7.5% per annum from the date of filing of the petition till payment.

11. The enhanced award amount along with interest be deposited by respondent No.3 within 30 days. The learned counsel for the appellants submit that appellants are permanent resident of Unnao, U.P. and the amount awarded by the learned

Tribunal has been kept in fixed deposit with the UCO Bank, Patiala House Branch and the appellants visit Delhi in every three months to collect the interest.

12. The order with respect to mode of payment and disbursement of the award amount shall be passed after examining the appellants on the next date of hearing.

13. The appellants are directed to remain present in Court on the next date of hearing. The appellants are also directed to ascertain whether the UCO Bank or State Bank of India has any branch in Unnao, U.P.

14. Renotify on 23rd October, 2009.

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

OCTOBER 08, 2009

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J.R. MIDHA, J