

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

+ FAO.No 499/2000

Date of Decision:3rd February, 2010,

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SANTOSH KUMARI & ORS. Appellants
Through Mr. O.P. Mannie, Advocate.

versus

MONU KUMAR & ORS. Respondents
Through Mr. Mirza Aslam Beg and
Ms. Sonia Sharma, Advocates for
Respondent No.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.3,40,000/- has been awarded to them. The appellants seek enhancement of the award amount.
2. The accident dated 3rd December, 1993 resulted in the death of Bansal Singh Gupta. The deceased was survived by his widow, one son, four daughters and mother, who filed the claim petition before the learned Tribunal.

3. The deceased was aged about 47 years at the time of the accident and was doing a private job earning Rs.4,000/- per month. The learned Tribunal took the income of the deceased to be 4,000/-, deducted $\frac{1}{3}^{\text{rd}}$ towards the personal expenses of the deceased and applied the multiplier of 10 to compute the loss of dependency at Rs.3,24,000/-. The learned Tribunal has awarded Rs.16,000/-towards loss of consortium and loss of love and affection. The learned Tribunal has awarded total compensation of Rs. 3,40,000/- to the appellants.

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

- (i) The multiplier be enhanced from 10 to 13.
- (ii) The deduction towards the personal expenses of the deceased be reduced from $\frac{1}{3}^{\text{rd}}$ to $\frac{1}{5}^{\text{th}}$.
- (iii) The compensation be awarded for loss of estate and funeral expenses.

5. Following the judgment of the Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation, 2009 (6) Scale 129**, the multiplier is enhanced from 10 to 13, the personal expenses of the deceased are reduced from $\frac{1}{3}^{\text{rd}}$ to $\frac{1}{5}^{\text{th}}$, Rs. 10,000/- is awarded towards loss of estate and Rs.5,000 is awarded towards loss of funeral expenses.

9. Taking the income of the deceased to be Rs.4,000/-, deducting $1/5^{\text{th}}$ towards the personal expenses of the deceased, applying the multiplier of 13, adding Rs. 16,000/- towards loss of love and affection, Rs.10,000/- towards loss of estate and Rs.5,000/- towards loss of funeral expenses, the total compensation computed to be Rs.5,30,200/- $[(4000 - 1/5 \times 13 \times 12) + 16000 + 10000 + 5000]$

10. The appeal is allowed and the award amount is enhanced from Rs.3,40,000/- to Rs.5,30,200/-. The learned Tribunal has awarded interest @12% per annum which is not disturbed on the original award amount of Rs.3,40,000/-. However, on the enhanced award amount, the rate of interest shall be @7.5% per annum from the date of filing of the petition till realization.

11. The enhanced award amount along with interest be deposited by respondent No.3 with UCO Bank, Delhi High Court Branch A/c Santosh Kumari 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.

12. 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.

13. List the appeal on 13th May, 2010.
14. Copy of this order be given 'Dasti' to learned counsel for both the parties under signature of Court Master.

FEBRUARY 03, 2010
HL

J.R. MIDHA, J