

Regular

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

+ FAO No.525/2001

Date of Decision: 13th January, 2010

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PARTAP SINGH & ORS. Appellants
Through : Mr. Navneet Goyal, Adv.

versus

BANWARI LAL & ORS. Respondents
Through : Mr. D.K. Sharma, Adv.
for R-4.

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.1,50,000/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 9th February, 1997 resulted in the death of Smt. Suresh. The deceased was survived by her husband, three daughters and two sons who filed the claim petition before the learned Tribunal.

3. The deceased was aged about 38 years at the time of the accident and was a house wife. The learned Tribunal has awarded lump-sum amount of Rs.1,50,000/- 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 value of the services of the deceased be taken at the rate of Rs.3,000/- per month.
- (ii) The multiplier of 15 be applied to compute the loss of dependency.
- (iii) The compensation be awarded for loss of love and affection, loss of estate, loss of consortium and funeral expenses.

5. Following the judgment of the Hon'ble Supreme Court in the case of **Lata Wadwa Vs State of Bihar, 2001 ACJ 1725**, the value of services of the deceased is taken to be Rs.3,000/- per month.

6. The deceased was aged 38 years at the time of the accident. 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 of 15 is applied to compute the loss of dependency at Rs.5,40,000/- (Rs.3,000 x 12 x 15).

7. The learned Tribunal has not awarded any compensation for loss of love and affection, loss of estate, loss of consortium and funeral expenses. Rs.10,000/- is awarded for loss of love and affection, Rs.10,000/- for loss of estate, Rs.10,000/- for loss of consortium and Rs.5,000/- for funeral expenses. The total compensation computed to be

Rs.5,75,000/- (Rs.5,40,000 + Rs.10,000 + Rs.10,000+ Rs.10,000 + Rs.5,000).

8. The appeal is allowed and the award amount is enhanced from Rs.1,50,000/- to Rs.5,75,000/-. The learned Tribunal has awarded interest @ 9% per annum which is not disturbed on the original award amount of Rs.1,50,000/-. 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. The share of appellant Nos.2 to 6 in the award amount shall be equal.

9. The enhanced award amount along with interest be deposited by respondent No.4 with UCO Bank, Delhi High Court Branch A/c **Pratap Singh** through Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) within 30 days.

10. Upon the aforesaid deposit being made, the UCO Bank is directed to keep a sum of Rs.7,00,000/- in fixed deposit as per the details given hereunder:-

- (i) Fixed deposit of Rs.35,000/- in the name of appellant No.2 for a period of six months.
- (ii) Fixed deposit of Rs.35,000/- in the name of appellant No.2 for a period of one year.
- (iii) Fixed deposit of Rs.35,000/- in the name of appellant No.2 for a period of 1-½ years.
- (iv) Fixed deposit of Rs.35,000/- in the name of appellant No.2 for a period of two years.

- (v) Fixed deposit of Rs.35,000/- in the name of appellant No.3 for a period of six months.
- (vi) Fixed deposit of Rs.35,000/- in the name of appellant No.3 for a period of one year.
- (vii) Fixed deposit of Rs.35,000/- in the name of appellant No.3 for a period of one and a half years.
- (viii) Fixed deposit of Rs.35,000/- in the name of appellant No.3 for a period of two years.
- (ix) Fixed deposit of Rs.35,000/- in the name of appellant No.4 for a period of six months.
- (x) Fixed deposit of Rs.35,000/- in the name of appellant No.4 for a period of one year.
- (xi) Fixed deposit of Rs.35,000/- in the name of appellant No.4 for a period of one and a half years.
- (xii) Fixed deposit of Rs.35,000/- in the name of appellant No.4 for a period of two years.
- (xiii) Fixed deposit of Rs.35,000/- in the name of appellant No.5 for a period of six months.
- (xiv) Fixed deposit of Rs.35,000/- in the name of appellant No.5 for a period of one year.
- (xv) Fixed deposit of Rs.35,000/- in the name of appellant No.5 for a period of one and a half years.
- (xiv) Fixed deposit of Rs.35,000/- in the name of

appellant No.5 for a period of two years.

(xvii) Fixed deposit of Rs.35,000/- in the name of appellant No.6 for a period of six months.

(xviii) Fixed deposit of Rs.35,000/- in the name of appellant No.6 for a period of one year.

(xix) Fixed deposit of Rs.35,000/- in the name of appellant No.6 for a period of one and a half years.

(xx) Fixed deposit of Rs.35,000/- in the name of appellant No.6 for a period of two years.

11. The remaining share of the appellants be released to them by transferring the said amount to their respective Saving Bank Accounts.

12. The interest on the aforesaid fixed deposits shall be paid monthly by automatic credit of interest in the respective Savings Account of the appellants.

13. Withdrawal from the aforesaid accounts shall be permitted to the appellants after due verification and the Bank shall issue photo Identity Card to the appellants to facilitate identity.

14. No cheque book be issued to the appellants without the permission of this Court.

15. The original fixed deposit receipts shall be retained by the Bank in the safe custody. However, the original Pass Book shall be given to the appellants along with the photocopy of the FDRs.

16. The original fixed deposit receipts shall be handed over to the appellants on the expiry of the period of the FDRs by transferring the said amount to their Saving Bank Accounts.

17. No loan, advance or withdrawal shall be allowed on the said fixed deposit receipts without the permission of this Court.

18. Half yearly statement of account be filed by the Bank in this Court.

19. On the request of the appellants, the Bank shall transfer the Savings Account to any other branch of UCO Bank according to their convenience.

20. The appellants shall furnish all the relevant documents for opening of the Saving Bank Account and Fixed Deposit Account to Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi.

21. Copy of the order be given dasti to counsel for both the parties under the signatures of the Court Master.

22. 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.

J.R. MIDHA, J

JANUARY 13, 2010
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