

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

Date of Decision: 18th January, 2010

RAM PAL AND ORS. Appellants
Through : Mr. Navneet Goyal, Adv.

BANWARI LAL & ORS. Respondents
Through : Mr. D.K. Sharma, Adv.

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

1. The appellants have challenged the award of the learned Tribunal whereby the compensation of Rs.2,40,000/- 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 Santra Devi. The deceased was survived by her husband, two sons and two daughters who filed the claim petition before the learned Tribunal.
3. The deceased was aged 48 years at the time of the accident and was carrying on a dairy business earning Rs.3,000/- per month and was also doing household work.

The learned Tribunal took the income of the deceased as Rs.3,000/- per month, deducted 1/3rd towards her personal expenses and applied the multiplier of 10 to compute the loss of dependency at Rs.2,40,000/-. No compensation has been awarded for loss of consortium, loss of love and affection, loss of estate and funeral expenses.

4. The learned counsel for the appellant submits that the value of the services of the deceased be taken as Rs.3,000/- per month and the income of the deceased for computation of compensation be taken to be Rs.6,000/- per month (Rs.3,000/- from dairy business + Rs.3,000/- as value of her services). In the alternative, it is submitted that the future prospects be taken into consideration by taking the average of Rs.3,000/- and Rs.6,000/-. In the alternative, it is submitted that the value of the services be taken as Rs.3,000/- per month as a housewife in terms of the judgment of the Hon'ble Supreme Court in the case of **Lata Wadwa vs. State of Bihar, 2001 ACJ 1725**.

5. In the facts and circumstances of this case, the first two submissions of learned counsel for the appellant are rejected. However, this Court is inclined to treat the deceased as a housewife and the value of the services of the deceased according to the judgment of the Hon'ble Supreme Court in the case of **Lata Wadwa** (supra) is taken as Rs.3,000/- per month. No deduction towards personal

expenses is permissible while taking the value of the services as per the judgment of the Hon'ble Supreme Court.

6. The learned counsel for the appellant also seeks enhancement of the multiplier from 10 to 14. The learned counsel also seeks compensation for loss of consortium, loss of love and affection, loss of estate and funeral expenses.

7. The learned Tribunal has applied the multiplier of 10. However, as per the judgment of the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), the appropriate multiplier at the age of 48 years is 13. The multiplier is, therefore, enhanced from 10 to 13. Rs.10,000/- is awarded towards loss of consortium, Rs.10,000/- towards loss of love and affection, Rs.10,000/- towards loss of estate and Rs.5,000/- towards funeral expenses.

9. Taking the value of the services of the deceased to be Rs.3,000/- per month and applying the multiplier of 13, the loss of dependency is computed to be Rs.4,68,000/- ($\text{Rs.3,000} \times 12 \times 13$). Adding Rs.10,000/- towards loss of consortium, Rs.10,000/- towards loss of love and affection, Rs.10,000/- towards loss of estate and Rs.5,000/- towards funeral expenses, the total compensation is computed to be Rs.5,03,000/- ($4,68,000 + \text{Rs.10,000} + \text{Rs.10,000} + \text{Rs.10,000} + \text{Rs.5,000}$).

10. The appeal is allowed and the award amount is enhanced from Rs.2,40,000/- to Rs.5,03,000/-. The learned Tribunal has awarded interest @9% per annum which is not

disturbed on the original award amount of Rs.2,40,000/-. 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.4 with State Bank of India, Tis Hazari Branch A/c Ram Pal by means of a cheque through Mr. H.S. Rawat, Relationship Manager, Tis Hazari Branch, Tis Hazari (Mb: 09717044322) within 30 days.

12. Upon the enhanced award amount being deposited, State Bank of India is directed to keep a sum of Rs.2,50,000/- in fixed deposit in the following manner:-

- (i) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of six months.
- (ii) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of one year.
- (iii) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of one and a half years.
- (iv) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of two years.
- (v) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of two and a half years.
- (vi) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of three years.

- (vii) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of three and a half years.
- (viii) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of four years.
- (ix) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of four and a half years.
- (x) Fixed deposit of Rs.25,000/- in the name of appellant No.1 for a period of five years.

13. The remaining amount be released to the appellants in equal proportion by transferring the same to their Saving Bank Account.

14. The interest on the aforesaid fixed deposits shall be paid monthly by automatic credit of interest in the Savings Account of appellant No.1.

15. Withdrawal from the aforesaid accounts shall be permitted to appellant No.1 after due verification and the Bank shall issue photo Identity Card to appellant No.1 to facilitate identity.

16. No cheque book be issued to appellant No.1 without the permission of this Court.

17. The original Fixed Deposit Receipts shall be retained by the Bank in the safe custody. However, the original Pass Book shall be given to appellant No.1 along with the photocopy of the FDRs.

18. The original Fixed Deposit Receipts shall be handed over to appellant No.1 on the expiry of the period of the FDRs.

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

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

21. On the request of appellant No.1, the Bank shall transfer the Savings Account to any other branch of UCO Bank according to the convenience of appellant No.1.

22. Appellant No.1 shall furnish all the relevant documents for opening of the Saving Bank Account and Fixed Deposit Account to Mr. H.S. Rawat, Relationship Manager, Tis Hazari Branch, Tis Hazari (Mb: 09717044322).

23. Copy of the order be given dasti to counsel for both the parties.

24. Copy of this order be also sent to Mr. H.S. Rawat, Relationship Manager, Tis Hazari Branch, Tis Hazari (Mb: 09717044322).

J.R. MIDHA, J

JANUARY 18, 2010
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