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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAC.APP. 208/2010 & CM 6137/2010

NEW INDIA ASSURANCE CO LTD Appellant
Through Mr.Kanwal Chaudhry, Advocate

versus

MOHD SHARIFF & ORS Respondent
Through Mr.Uma Shankar Sharma, Advocate

CORAM:
HON'BLE MS. JUSTICE REVA KHETRAPAL

ORDER
% **09.11.2010**

Mr.Uma Shankar Sharma, Advocate says that he will be filing Vakalatnama on behalf of the respondent Nos.3 and 4, who were also the claimants in the claim petition before the Tribunal.

The sole grievance of the appellant in the instant appeal is that a sum of Rs.1 lac has been awarded by the Tribunal under the head 'loss of love and affection'. The said amount has been termed as exorbitant, arbitrary and unreasonable by the appellant as well as contrary to the judgment of the Hon'ble Supreme Court in *Smt.Sarla Verma Vs. DTC & Another*, reported in (2009) 6 SCC 121.

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The learned counsel for the respondent Nos.1 to 4 does not deny that the sum of Rs.1 lac granted by the Tribunal towards love and affection to the claimants is on the higher side and contrary to the judgment of the Apex Court in the case of *Smt. Sarla Verma (supra)*.

In view thereof, the award is modified to the extent that instead of a sum of Rs.1 lac awarded by the Tribunal for the loss of love and affection to the claimants, a sum of Rs.10,000/- shall be paid by the appellant. The rest of the award is upheld.

Resultantly, the amount deposited with the UCO bank, Delhi High Court Branch in the account of the claimants shall be released to the claimants except for an amount of Rs.90,000/- with proportionate interest, if any. The amount of Rs.90,000/- with proportionate interest along with the sum of Rs.25,000/- deposited by the appellant in this Court shall be refunded to the appellant.

The appeal and the application stand disposed of accordingly.

A copy of this order be given to the learned counsel for both the parties.


REVA KHETRAPAL,J

NOVEMBER 09, 2010

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