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

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**Mac. Appeal No.257 of 2010 & C.M. Appl. Nos.7463-7464 of 2010**

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**26.04.2010**

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

Versus

BALI RAM BANSAL & ORS. .... Respondents

Date of decision: 26<sup>th</sup> April, 2010

**JUSTICE SHIV NARAYAN DHINGRA**

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

**J U D G M E N T**

**SHIV NARAYAN DHINGRA (ORAL)**

1. By this appeal, the appellant/insurance company has primarily assailed grant of Rs.25,000/- to each of the claimant as compensation by the Tribunal for loss of love and affection due to death of the deceased. It is submitted by counsel for the appellant that the amount of Rs.1,50,000/- granted in all to six claimants was exorbitant and contrary to the facts and evidence on record.

2. No amount of money can compensate love and affection which the dependents of a deceased, his brothers, sisters and other relatives, who were not even dependent get deprived of on untimely accidental deaths. However, while granting compensation for loss of life, the courts have been granting token amount under different heads like loss of consortium, loss of estate and loss of love and affection apart from loss of dependency. Such amounts are granted by the Tribunals at their own discretion considering several

aspects connected with the family and death of the person. No doubt each presiding officer of the Tribunal and each judge of the High Court and/or the Supreme Court shall have his own concepts and standards and would be considering amounts on such heads as per their own concepts. While considering an appeal, substituting discretionary relief granted by the Tribunal by another amount on its own estimations of loss of love and affection would not be proper. The Tribunal is a court where evidence of the dependents is recorded and has firsthand experience of the kind of love and affection the dependents felt deprived of. Thus, the Tribunal is the best judge of the amount of compensation to be awarded under such heads.

**3.** I do not find any ground to interfere in the award of compensation for deprivation of love and affection. A plea has been raised by the counsel for the appellant that in *Sarla Varma & Ors. vs. Delhi Transport Corporation & Anr.*; (2009) 6 SCC 121, the Supreme Court has not approved of grant of compensation for loss of love and affection. I consider this is not true. The Supreme Court in its latest judgment in *Baby Radhika Gupta & Ors. vs. Oriental Insurance Co. Ltd. & Ors.*; 2010 ACJ 758 has upheld grant of Rs.25,000/- as compensation for loss of love and affection.

**4.** I find no force in the appeal. The appeal is hereby dismissed.

**SHIV NARAYAN DHINGRA J.**

**APRIL 26, 2010**

**‘AA’**