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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Mac. Appeal No.345 of 2010

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02.07.2010

SAROJ & ORS.

..... Appellants

Through: Mr. Manish, Advocate.

Versus

MAHENDER SINGH & ORS.

..... Respondents

Through: Mr. K.L. Nandwani, Advocate for R-3.

Reserved on: 26th May, 2010

Pronounced on: July 2, 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

1. This appeal has been preferred by the claimants/appellants assailing award dated 6th February, 2010 on limited ground that the learned Tribunal wrongly deducted 1/3rd of the monthly income towards personal expenses while calculating the loss of dependency of the claimants.

2. The deceased was drawing a salary of Rs.9,832/- at the time of his death. He was aged below 50 years and above 40 years. So, the Tribunal added 30 per cent of the amount of salary as future prospects for calculating the compensation. The Tribunal considered that the family of deceased consisted of widow and four children. Out of these four children, three were major and only one was minor at the time of giving evidence. Thus, deduction of 1/3rd of the gross amount on account of personal expenses was made. At the time of hearing appeal, the appellants were asked to file an affidavit

about the age of the family members of deceased and their occupation on the date of accident. The requisite affidavit has been filed. According to this affidavit, on the date of accident, that is, on 14th August, 2007, Mr. Ajay Raj, son of the deceased was already in Delhi Police and was under training. One of the daughters of the deceased, namely, Ms. Asha, was already married; other daughter namely, Ms. Aarti, was B.A. student and other daughter namely, Ms. Amrita, was 12th standard student. Smt. Saroj was a house wife at the time of accident. It is apparent that the married daughter was not dependent on the deceased. The son, who was already employed in Delhi Police, was also not dependent on the deceased. Thus, the number of dependents on the deceased were his wife and two daughters, namely, Ms. Aarti and Ms. Amrita.

3. The Tribunal, therefore, following judgment in *Sarla Varma & Ors. vs. Delhi Transport Corporation & Anr.*; (2009) 6 SCC 121 rightly deducted 1/3rd of the amount towards personal expenses and awarded a total compensation of Rs.13,59,285.36.

4. I find no infirmity in the award dated 6th February, 2010. The appeal is hereby dismissed.

SHIV NARAYAN DHINGRA
[JUDGE]

JULY 2, 2010
‘AA’