

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+
%

Mac. Appeal No.328 of 2010

19.05.2010

SMT. NARAINI & ORS.

..... Appellants

Through: Mr. N.K. Mishra, Advocate.

Versus

SURENDER PAL SINGH & ORS.

..... Respondents

Date of decision: 19th May, 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, J. (ORAL)

1. This appeal has been filed by the claimants assailing award dated 9th February, 2010 passed by the Tribunal on the ground that the Tribunal awarded inadequate compensation to the claimants.

2. Brief facts relevant for the purpose of deciding this appeal are that Late Shri Niwas Sharma, husband of appellant No.1 died in a road side accident on 20th November, 1984. At the time of death, deceased was around 31 years of age. It was claimed that deceased was working as a *Halwai*. No proof of income of the deceased was given to the Tribunal. The deceased had left behind three dependents, namely, wife and two children. The Tribunal assessed total compensation as Rs.80,000/- and awarded the same along with interest @ 7.5 per cent from the date of filing of the petition till its realization.

3. The Tribunal while assessing compensation had taken into account the income of the deceased as per minimum wages of a skilled workman, since no proof of income of deceased was furnished to the Tribunal. The Tribunal further added to this 50 per cent of the amount for inflation etc. and deducted 1/3rd of the monthly income towards personal expenses of the deceased. Looking at the age of the deceased as 31 years, a multiplier of 16 was applied. The Tribunal also awarded Rs.1,000/- towards funeral expenses, Rs.1,000/- towards loss of consortium to the wife and Rs.1,000/- to the children towards loss of love and affection. The Tribunal was alive to the fact that though the accident had taken place in the year 1984, the claim petition was filed in the year 2007 and the Tribunal had to take into account the wages prevalent at the time of accident.

4. Learned counsel for the appellants had not been able to point out how the Tribunal went wrong. The Tribunal had taken into account right age of the deceased, applied right parameters for deduction of the amount for personal expenses and multiplier on the basis of judgment in *Sarla Varma & Ors. vs. Delhi Transport Corporation & Anr.*; (2009) 6 SCC 121.

5. I find no reason to interfere with the order of the Tribunal. I find no ground to enhance the compensation. The appeal is hereby dismissed.

SHIV NARAYAN DHINGRA J.

MAY 19, 2010
‘AA’