

Item No. 36

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

+ **MAC.APP. 344/2010**

NIRMALA DEVI & ORS Appellant
Through: Mr. S.N. Parashar, Adv.

versus

SANJEEV KUMAR & ORS Respondent
Through: Mr. K.L. Nandwani, Adv.

CORAM:
JUSTICE SHIV NARAYAN DHINGRA

ORDER
26.05.2010

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+ **CM 10141/2010**

Allowed, subject to all just exceptions.

The application stands disposed of.

+ **MAC.APP. 344/2010**

Notice of the appeal is accepted by Shri K.L. Nandwani, Advocate on behalf of Respondent insurance company.

The learned Tribunal vide its award dated 15th February, 2010 had directed the insurance company to pay monthly amount of Rs. 10,900/- apart from giving lumpsum payment for the period already over and for non pecuniary reasons. I consider that it is not beneficial either for the claimant or for the insurance company to pay compensation on monthly basis as it deprives claimant from using the compensation for her benefit in proper manner. It is well known that due to inflation value of money keeps on declining. After five years, the present value of Rs. 10,000/- may not be even worth Rs. 5,000/-.

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Even otherwise, there is no provision under M.V. Act to award compensation on month to month basis. Compensation should be awarded in lumpsum. The matter is therefore remanded back to learned Tribunal for calculating lumpsum compensation in this case instead of compensation on month to month basis. The parties shall appear before the Tribunal on 2nd July, 2010. The Tribunal shall endeavour to dispose of this matter within six weeks after appearance.

The appeal stands disposed of.


SHIV NARAYAN DHINGRA, J

MAY 26, 2010

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