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

\+ Mac. App. No.294/2009

NATIONAL INSURANCE CO. LTD. ..... Appellant
Through: None.

versus

KULDEEP KAUR & ORS. ..... Respondents
Through: Mr. O.P. Mannie, Advocate for R-1 to 6.

CORAM:
JUSTICE SHIV NARAYAN DHINGRA

ORDER

% **13.05.2010**

The present appeal has been preferred by the appellants against the impugned award passed whereby the learned Tribunal had directed the insurance company to give compensation in the form of monthly payments to the claimants. Payment of lumpsum amount on that basis for the already expired period has been ordered.

A similar order was passed by this court in case titled *United India Insurance Company Limited & Anr. vs. Reeta Devi & Anr.* On an SLP preferred by the claimants being SLP No.15796 of 2009 decided on 22nd February, 2010 titled *Reeta Devi & Anr. Vs. United India Insurance Co. Ltd. & Anr.*, the Apex Court observed that the compensation as ordered by the High Court by way of monthly installment would not be proper and instead a total compensation should be allowed. In this SLP, the Supreme Court itself determined what should be the total compensation.

The grant of compensation as a monthly payment is not under the scheme of Motor Vehicles Act. This also deprives the claimants of the real benefits of compensation. I consider that the only legally valid and just method of awarding

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compensation is to award lumpsum compensation after capitalization of dependency of claimants. I, therefore, set aside the award of the Tribunal awarding monthly compensation.

I consider that in view of parameters laid down by the Supreme Court in recent judgments, it would be appropriate that the Tribunal should determine lumpsum compensation payable to the claimants instead of monthly installments.

The matter is remanded back to the Tribunal for calculating lumpsum compensation payable to the claimants and giving appropriate direction for payment of the lumpsum compensation.

With these directions, the appeal is allowed.

The claimants and the insurance company shall appear before the Tribunal on 25th May, 2010. The Tribunal shall dispense with the notice to non-effective and non-interested parties.

SHIV NARAYAN DHINGRA, J.

MAY 13, 2010
'AA'

— fresh CM-13961/11 for releasing of the statutory amount.