

IN THE HIGH COURT OF DELHI AT NEW DELHI*+ MAC.APP.No.626/2009**Date of Decision:16th March, 2010

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DELHI JAL BOARD & ANR Appellants
Through Mr. Sunil Kumar, Adv.

versus

RAM NARAIN & ORS Respondents
Through Mr. I.B. Jha, Adv.

CORAM :-
THE HON'BLE MR. JUSTICE J.R. MIDHA

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| 1. | Whether Reporters of Local papers may be allowed to see the Judgment? | YES |
| 2. | To be referred to the Reporter or not? | YES |
| 3. | Whether the judgment should be reported in the Digest? | YES |

JUDGMENT (Oral)**CM No.18604/2009 (Delay)**

- For the reasons stated in the application, the delay in filing the appeal is condoned.
- The application stands disposed of.

MAC.APP.No.626/2009

- The appellants have challenged the award of the learned Tribunal whereby compensation of Rs.7,60,000/- has been awarded to claimants/respondents No. 1 to 5.

2. The accident dated 27th December, 2003 resulted in the death of Shakuntla Devi. The deceased was survived by her husband and four minor children who filed the claim petition before the learned Tribunal.

3. The Claims Tribunal awarded Rs.6,05,000/- towards loss of dependency, Rs.1,25,000/- towards loss of love and affection, Rs.10,000/- towards loss of consortium, Rs.10,000/- towards funeral expenses and Rs.10,000/- towards loss of estate. The learned Tribunal has awarded total compensation of Rs.7,60,000/- to claimants/respondents No. 1 to 5.

4. The learned counsel for the appellants submit that the compensation of Rs.1,25,000/- towards loss of love and affection is not in accordance with law and is liable to be reduced.

5. Computing the compensation for loss of love and affection at Rs.25,000/-, the award amount is liable to be reduced from Rs.7,60,000/- to Rs.6,60,000/- along with interest awarded by the Claims Tribunal. The claimants/respondents No.1,2,4 and 5 are present in Court and they accept the reduction of the award amount by Rs.1,00,000/-.

6. With the consent of the parties, the appeal is allowed and the award amount is reduced from Rs.7,60,000/- to Rs.6,60,000/- along with interest @7.5% per annum from the date of filing of the claim petition till realization.

7. The appellant has deposited a sum of Rs.9,53,939/- with UCO Bank on 16th February, 2010 in terms of the order dated 21st December, 2009.

8. The claimants/respondents No. 1 to 5 have already received the interim award of Rs.50,000/- before the Claims Tribunal and they are entitled to the balance amount of Rs.6,10,000/-. Both the parties agree that the interest on the amount of Rs.6,10,000/- from the date of filing of the claim petition up to the date of deposit of the award amount by the appellant is Rs.2,71,705/-. The claimants/respondents No. 1 to 5 are, therefore, entitled to Rs.8,81,705/- (Rs.6,10,000 + Rs.2,71,705). The appellant is entitled to refund of Rs.71,830/- out of Rs.9,53,535/- deposited with UCO Bank in terms of the order dated 21st December, 2009.

9. UCO bank is directed to refund a sum of Rs.71,830/- to the appellant, Delhi Jal Board through counsel by means of a cheque drawn in the name of Delhi Jal Board within two weeks.

10. With respect to the balance amount, UCO Bank is directed to keep a sum of Rs.8,00,000/- in fixed deposit in the following manner and the remaining amount be released to the respondent No.1:-

(i) Fixed deposit for Rs.25,000/- in the name of respondent No.1 for a period of 6 months.

(ii) Fixed deposit for Rs.25,000/- in the name of

respondent No.1 for a period of one year.

- (iii) Fixed deposit for Rs.25,000/- in the name of respondent No.1 for a period of one and a half years.
- (iv) Fixed deposit for Rs.25,000/- in the name of respondent No.1 for a period of two years.
- (v) Fixed deposit for Rs.25,000/- in the name of respondent No.1 for a period of two and a half years.
- (vi) Fixed deposit for Rs.25,000/- in the name of respondent No.1 for a period of three years.
- (vii) Fixed deposit for Rs.25,000/- in the name of respondent No.1 for a period of three and a half years.
- (viii) Fixed deposit for Rs.25,000/- in the name of respondent No.1 for a period of four years.
- (ix) Fixed deposit for Rs.25,000/- in the name of respondent No.2 for a period of one year.
- (x) Fixed deposit for Rs.25,000/- in the name of respondent No.2 for a period of two years.
- (xi) Fixed deposit for Rs.25,000/- in the name of respondent No.2 for a period of three years.
- (xii) Fixed deposit for Rs.25,000/- in the name of respondent No.2 for a period of four years.

- (xiii) Fixed deposit for Rs.25,000/- in the name of respondent No.3 for a period of one year.
- (xiv) Fixed deposit for Rs.25,000/- in the name of respondent No.3 for a period of two years.
- (xv) Fixed deposit for Rs.25,000/- in the name of respondent No.3 for a period of three years.
- (xvi) Fixed deposit for Rs.25,000/- in the name of respondent No.3 for a period of four years.
- (xvii) Fixed deposit for Rs.1,00,000/- in the name of respondent No.4 when she attains the age of 20 years.
- (xviii) Fixed deposit for Rs.1,00,000/- in the name of respondent No.4 when she attains the age of 21 years.
- (xix) Fixed deposit for Rs.1,00,000/- in the name of respondent No.5 when he attains the age of 20 years.
- (xx) Fixed deposit for Rs.1,00,000/- in the name of respondent No.5 when he attains the age of 21 years.

11. The interest on the aforesaid fixed deposits shall be paid monthly by automatic credit of interest in the Savings Account of respondent No.1.

12. Withdrawal from the aforesaid account shall be permitted to respondent No.1 after due verification and the

Bank shall issue photo Identity Card to respondent No.1 to facilitate identity.

13. No cheque book be issued to respondent No.1 without the permission of this Court.

14. The Bank shall issue Fixed Deposit Pass Book instead of the FDRs to the appellants and the maturity amount of the FDRs be automatically credited to the Saving Bank Account of the beneficiary at the end of the FDR.

15. No loan, advance or withdrawal shall be allowed on the said fixed deposit receipts without the permission of this Court.

16. Half yearly statement of account be filed by the Bank in this Court.

17. On the request of appellant No.1, the Bank shall transfer the Savings Account to any other branch according to the convenience of respondent No.1.

18. The respondent Nos.1 to 5 shall furnish all the relevant documents for opening of the Saving Bank Account and Fixed Deposit Account to Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi.

19. Copy of the order be given dasti to counsel for both the parties under the signatures of the Court Master.

20. Copy of this order be also sent to Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) through the UCO Bank,

High Court Branch under the signature of Court Master.

21. The statutory amount of Rs.25,000/- filed by the appellant along with this appeal be refunded back to the appellant through counsel within four weeks.

MARCH 16, 2010
HL

J.R. MIDHA, J