

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

Reserved on : 3rd November, 2011
Pronounced on: 18th November, 2011

+ **MAC APP. 115/2011**

PARDEEP RAI & ANR. Appellants
Through: Mr. Arun Maitri Advocate with
Mr. Nitin Kumar, Advocate.

Versus

RAJIV KUMAR SAINI & ANR. Respondents
Through: Ms. Manjusha Wadhwa Advocate
Ms. Angana Goswami, Advocate.

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

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| 1. Whether reporters of local papers may be
allowed to see the Order? | No |
| 2. To be referred to the Reporter or not? | No |
| 3. Whether the Order should be reported
in the Digest? | No |

J U D G M E N T

G. P. MITTAL, J.

1. This is an appeal for enhancement of compensation for death of a child Master Mayank Mudgal, aged about 7 years on the date of the accident i.e. 06.02.2010. The Tribunal awarded the compensation of ₹ 3.75 lacs on the basis of offer given by Respondent No.3, the Insurance Company. It is averred in the appeal that the Appellants did not agree for any settlement and the acceptance was wrongly recorded by the Tribunal by order dated 18.11.2010.

2. Aggrieved by the impugned award, a review petition was filed before the Tribunal which was dismissed by the Tribunal. It is averred that the deceased child was an intelligent student and had bright future prospects. He was studying in 4th standard in the best school of his locality i.e. St. Marry School, Sector 19, Dwarka. The Appellants were incurring expenditure of ₹ 8180/- per quarter towards the school fee in addition to transport fee of ₹ 660/- per month. The father of the deceased child was a Class I officer (in the government) and was capable of providing the best education to his child.
3. This Court in *National Insurance Company Limited v. Farzana & Ors.* MAC APP. 13/2007 decided on 14th July, 2009 considered *Manju Devi v. Musafir Paswan, VII (2005) SLT 257*, *R.K. Malik & Ors. v. Kiran Pal & Ors. AIR 2009 SC 2506* and opined that in the case of death of a child a notional income of ₹ 15,000/- is to be taken and applying the multiplier of 15 the loss of dependency was held to be ₹ 2,25,000/-. The Claimants were further held to be entitled for a sum of ₹ 75,000/- towards future prospects and ₹ 75,000/- towards loss of love and affection. The present case is squarely covered by the judgment in *National Insurance Company Limited v. Farzana & Ors. (supra)*.
4. In view of the judgment in *Farzana & Ors. (supra)*, the awarded amount of ₹ 3.75 lacs is just and reasonable and no interference is required in the impugned award.

5. The appeal is without any merit; the impugned award is confirmed and the appeal is dismissed. No costs.

(G.P. MITTAL)
JUDGE

NOVEMBER 18, 2011
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