

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

Date of Decision: 23rd November, 2011

+ **MAC APP.249/2006**

GYANANDER SINGH Appellant
Through: Mr. S.N. Parashar, Advocate

Versus

RAKESH & ORS. Respondents
Through: Nemo.

CORAM:
HON'BLE MR. JUSTICE G.P.MITTAL

1. Whether reporters of local papers may be allowed to see the Order?
2. To be referred to the Reporter or not?
3. Whether the Order should be reported in the Digest?

J U D G M E N T

G. P. MITTAL, J. (ORAL)

1. The appeal is for enhancement of amount of compensation in respect of death of Ashok Kumar who was aged about 19 years at the time of the accident which took place on 24.12.2002.
2. In the Claim Petition filed by the Appellant it was alleged that the deceased was working as a conductor. In the absence of any proof of income produced by the Appellant, the Tribunal took the minimum wages i.e. ₹ 2680/-; added 50% towards future prospects; deducted one-third towards personal expenses for six

years and two-third for remaining seven years. The Tribunal awarded a compensation of ₹ 3,05,772/- by making an addition of ₹ 2,000/- on account of funeral expenses and ₹ 25,000/- on account of mental pain and agony suffered by the Appellant.

3. On the basis of the judgment of this Court in *Narinder Bishal & Anr. v. Rambir Singh & Ors.*, 2009 ACJ 1881; *UPSRTC v. Munni Devi*, IV (2009) ACC 879; *National Insurance Company Ltd. v. Renu Devi & Ors.*, III (2008) ACC 134; and *Vinod Kumar Bansal v. Ranbir Singh & Ors.*, 2011 ACJ 1672 (Delhi), the Appellant is entitled to addition of 50% in the minimum wages on account of inflation and increase in minimum wages to provide better standard of living to the lowest paid workers, which was done by the Tribunal as future prospects. Deducting 50% towards personal expenses (as per *Sarla Verma & Ors. v. Delhi Transport Corporation* (2009) 6 SCC 121), the dependency works out as ₹ 3,13,560/- ($(₹ 2680 + 1340/2 \times 12 \times 13)$, the multiplier as per the age of the mother).
4. The Appellant is entitled to a sum of ₹ 25,000/- towards loss of love and affection which was given under the head of pain and suffering by the Tribunal. I award a sum of ₹ 5,000/- towards funeral expenses as against ₹ 2,000/- and further sum of ₹ 10,000/- towards loss of estate. The total enhanced compensation thus, works out as ₹ 20,788/- rounded off ₹ 21,000/- (7788/- + 3,000/- + 10,000/-).

5. The Tribunal awarded interest @ 6% per annum which was on the lower side; the same is enhanced @ 7.5 % per annum from the date of filing of the petition i.e. 12.03.2003 till realization of the amount. Respondent No.3 The United India Insurance Company Limited is directed to make the payment along with interest within six week in terms of the award.
6. The appeal is allowed and the impugned award is modified to the extent indicated above. No costs.
7. Copy of the order may be sent to the trial court for information.

(G.P. MITTAL)
JUDGE

NOVEMBER 23, 2011

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