

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

Date of decision: 10th October, 2012

+ **MAC. APP. 150/2005**

BABITA DEVI & ORS. Appellants
Through: Mr. R.K.Nain, Adv.

versus

ROHTASH & ORS. Respondents
Through Mr. Yashpal Rang, Adv. for R-2.
Mr. Pankaj Seth, Adv for R-3.

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

J U D G M E N T

G. P. MITTAL, J. (ORAL)

1. The Appeal is for enhancement of compensation of ₹10,95,000/- awarded for the death of Satbir who died in a motor vehicle accident which occurred on 16.01.2002.
2. In the absence of any Appeal by the driver, owner or the Insurer, the finding on negligence has attained finality between the parties.
3. During inquiry before the Claims Tribunal it was claimed that the deceased was working as a Constable in Delhi Police and was earning ₹8442/- per month. The salary certificate Ex.PW-1/1 in this regard was duly proved. It was also proved that the deceased was aged 36 years.
4. Following *Sarla Verma (Smt.) & Ors. v. Delhi Transport Corporation & Anr., (2009) 6 SCC 121*, the Appellants were entitled to an addition of 50% on account of future prospects and deduction was to be one-fourth as

against one-third taken by the Claims Tribunal; the appropriate multiplier was 15.

5. On deducting a sum of ₹130/- towards conveyance allowance, which was incidental to the employment of the deceased and making a deduction of ₹4,000/- towards income tax, the loss of dependency comes to ₹16,15,680/- ($8312/- \times 12 - 4,000/-$ (income tax) + $50\% \times 3/4 \times 15$).
6. The Appellants would be further entitled to a sum of ₹25,000/- towards loss of love and affection and ₹10,000/- each towards loss of consortium, loss to estate and funeral expenses.
7. The compensation is thus enhanced from ₹10,95,000/- to ₹16,70,680/-.
8. The enhanced compensation of ₹5,75,680/- shall carry interest @ 7.5% per annum from the date of filing of the petition till its payment.
9. Respondent No.3 New India Assurance Company Limited is directed to deposit the enhanced compensation along with interest with the Claims Tribunal within six weeks.
10. Ten percent of the compensation shall be payable to each of the Appellants No.2 to 4. Rest 70% shall be payable to the First Appellant.
11. Sixty percent of the compensation payable to the First Appellant shall be held in fixed deposit for a period of three years. Rest shall be released on deposit. The compensation payable to the Appellants No.2 to 4 shall be held in fixed deposit for a period of five years. They shall be entitled to premature release of the compensation, if the same is needed for their higher education or marriage, subject to the satisfaction of the Claims Tribunal.

12. The Appeal is allowed in above terms.
13. Pending Applications also stand disposed of.

(G.P. MITTAL)
JUDGE

OCTOBER 10, 2012

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