

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

Date of decision: 1st October, 2012

+ **MAC. APP. 151/2005**

ROSHAN LAL Appellant
Through: Mr. S.N. Parashar, Adv.

versus

NATIONAL INSURANCE COMPANY LTD. & ORS. Respondents
Through Mr. Pankaj Seth, Adv. for R-1.

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 ₹3,24,200/- awarded by the Motor Accident Claims Tribunal (the Claims Tribunal) for the death of Naresh Kumar, a bachelor, aged 22 years, in a motor vehicle accident which occurred on 20.02.2001.
2. It is urged by the learned counsel for the Appellant that the age of the deceased's mother at the time of the accident as per the Ration Card was 38 years, the appropriate multiplier was therefore, 15 instead of 13 taken by the Claims Tribunal.
3. The Claims Tribunal while computing the loss of dependency took the deceased's income as ₹2600/- per month; added 50% towards future prospects and applied the multiplier of '13' to compute the loss of dependency as ₹3,04,200/-.

4. The Claims Tribunal further awarded a sum of ₹ 20,000/- towards non-pecuniary damages to award the overall compensation of ₹3,24,200/-.
5. Since there was no evidence with regard to the deceased's future prospects, the Appellant would be entitled to an increase of 30% towards inflation on the strength of *Santosh Devi v. National Insurance Company Ltd. & Ors., 2012 (4) SCALE 559*. There would be deduction of 50% towards personal and living expenses and the appropriate multiplier at the age of 38 years would be 15.
6. The loss of dependency thus comes to ₹3,04,200/- ($2600/- + 30\% \times 1/2 \times 12 \times 15$).
7. On adding a sum of ₹25,000/- towards loss of love and affection and ₹10,000/- each towards loss to estate and funeral expenses, the overall compensation comes to ₹3,49,200/- as against ₹3,24,200/- awarded by the Claims Tribunal.
8. The compensation thus stands enhanced by ₹25,000/- which shall carry interest @ 7.5% per annum from the date of filing of the Petition till its payment.
9. Respondent No.1 National Insurance Company Limited is directed to deposit the enhanced compensation along with interest with the Claims Tribunal within six weeks.
10. The enhanced compensation shall enure for the benefit of Appellant No.2, the deceased's mother.
11. The Appeal is allowed in above terms.

12. Pending Applications stand disposed of.

(G.P. MITTAL)
JUDGE

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