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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserve on : 12th March, 2012

Date of decision : 27th April, 2012

+ MAC.APP.NO.360/2006

MURARI LAL Appellant
Through : Mr. Navneet Goyal, Adv.

versus

TILA RAM @ DILA RAM @ DHULA RAM Respondents
Through : Mr. Kamal Deep, Adv. for R-3

+ MAC.APP.NO.362/2006

LATA SHARMA THR. MURARI LAL Appellant
Through : Mr. Navneet Goyal, Adv.

versus

TILA RAM & ORS. Respondents
Through : Mr. Kamal Deep, Adv. for R-3.

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

JUDGMENT

1. The appellant has challenged the common award passed by the Claims Tribunal whereby the compensation of ₹4,400/- has been awarded to the appellant on account of injuries suffered by him and ₹50,000/- has been awarded to him towards the death of his wife in the road accident dated 15th June, 1983. The appellant seeks enhancement of compensation.

2. On 15th June, 1983 at about 9:30 am, the appellant,

Murari Lal Sharma was riding on his scooter bearing No.DEN-672 with his wife, Lata Sharma as a pillion rider when he was hit by tempo bearing No.DHG-7811 resulting in simple injuries to the appellant and grievous injuries to his wife. The appellant remained hospitalized for three days whereas his wife, Lata Sharma remained hospitalized from 15th June, 1983 to 5th September, 1983. During the hospitalization, a crotch was put on her head after making holes in the skull and weight was put on the crotch in order to keep the head, neck and spinal cord in straight position. She was again hospitalized on 18th September, 1983 to 7th October, 1983 and from 10th December, 1983 to 4th August, 1984. Lata Sharma got paralyzed in respect of the four limbs due to fracture of cervical. She was five months pregnant at the time of the accident and her pregnancy was terminated due to quadriplegia suffered by her. She also developed bed sores for which she underwent plastic surgery. She was operated upon for urinary infection but did not recover. She was reduced to a vegetable life and finally died because of the injuries suffered in the accident on 4th January, 1985.

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3. The Claims Tribunal awarded ₹9,000/- towards the cost of attendant for 18 months @ ₹500/- per month, ₹5,000/- towards

the treatment of the wife, ₹5,000/- towards special diet, ₹4,000/- towards conveyance, ₹2,000/- towards funeral expenses, ₹5,000/- towards loss of consortium and ₹20,000/- towards compensation for death of his wife to the appellant. The total compensation awarded is ₹50,000/- along with interest @6% per annum.

4. The appellant has urged the following grounds at the time of hearing of this appeal in respect of the death of Lata Sharma:-

- (i) The compensation be awarded on the basis of the multiplier method in respect of the death of Lata Sharma.
- (ii) The compensation be awarded for loss of love and affection and loss of estate.
- (iii) The compensation for loss of consortium be enhanced.
- (iv) The compensation be awarded for the death of foetus.
- (v) The rate of interest be enhanced from 6% per annum to 9% per annum.

5. The Claims Tribunal has awarded a sum of ₹20,000/- as compensation to the appellant for death of his wife which is not in accordance with law. The deceased was a housewife aged 25 years and the appellant is entitled to the compensation on the basis of the multiplier method. Considering that this case relates to 1983, the value of the

services of the deceased housewife is taken to be ₹500/- per month and applying the multiplier of 18, the compensation on account of death of Lata Sharma is computed to be ₹1,08,000/- (₹500 x 12 x 18). ₹10,000/- is awarded towards loss of love and affection and ₹10,000/- is awarded for loss of estate. The compensation for loss of loss of consortium is enhanced from ₹5,000/- to ₹10,000/-. The deceased was five months pregnant at the time of the accident. The appellant is entitled to the compensation for loss of foetus in terms of the judgment of this Court in **Prakash v. Arun Kumar Saini, 167 (2010) DLT 311**. Considering that this case relates to the year 1983, ₹1,00,000/- is awarded for the loss of foetus.

7. The appellant is entitled to the total compensation of ₹8,93,000/- as per the break-up given hereunder:-

(i)	Compensation for death of wife	: ₹1,08,000/-
(ii)	Compensation for death of foetus	: ₹1,00,000/-
(iii)	Compensation for loss of love and affection	: ₹10,000/-
(iv)	Compensation for loss of estate	: ₹10,000/-
(v)	Compensation for loss of consortium	: ₹10,000/-
(vi)	Compensation for attendant charges	: ₹9,000/-
(vii)	Compensation for medical treatment	: ₹5,000/-
(viii)	Compensation for special diet	: ₹5,000/-
(ix)	Compensation for conveyance	: ₹4,000/-
(x)	Funeral expenses	: ₹2,000/-
Total		: ₹2,65,000/-

8. The Claims Tribunal has awarded interest @6% per

annum whereas the appropriate rate of interest according to the judgment of the Supreme Court in **MCD v. Association of Victims of Uphaar Tragedy, AIR 2012 SC 200** is 9% per annum. The rate of interest is, therefore, enhanced from 6% to 9%.

9. For the reasons as aforesaid, the appeal No.362/2005 is allowed and the compensation of ₹50,000/- is enhanced to ₹2,65,000/- along with interest @9% per annum from the date of filing of the claim petition before the Claims Tribunal till realization.

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10. With respect to the injuries suffered by the appellant, the Claims Tribunal awarded ₹500/- towards medicines, ₹500/- towards special diet, ₹200/- towards conveyance, ₹2,200/- towards loss of salary on account of earned leave and ₹1,000/- towards pain and suffering. The total compensation awarded for the injuries is ₹4,400/- along with interest @6% per annum.

11. The appellant has urged the following grounds for seeking enhancement of compensation for the injuries suffered by him:-

- (i) The compensation for pain and suffering be enhanced.
- (ii) The compensation be awarded for loss of amenities of life.

(iii) The rate of interest be enhanced from 6% per annum to 9% per annum.

12. The appellant has suffered simple injuries in the accident. The appellant sustained injuries in his right shoulder. There was no bony injury. Considering the nature of injuries suffered and the evidence led by the appellant, the compensation for pain and suffering is enhanced from ₹1,000/- to ₹2,500/- and ₹2,500/- is awarded towards loss of amenities of life. The rate of interest is enhanced from 6% to 9% per annum following the judgment of the Supreme Court in **MCD v. Association of Victims of Uphaar Tragedy** (supra).

13. For the reasons as aforesaid, the appeal No.360/2005 is allowed and the award amount is enhanced from ₹4,400/- to ₹8,400/- along with interest @9% per annum from the date of filing of the claim petition before the Claims Tribunal till realization.

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14. The enhanced award amount along with interest be deposited with UCO Bank, Delhi High Court Branch by means of a cheque drawn in the name of UCO Bank A/c Murari Lal Sharma within 30 days.

15. Upon the aforesaid amount being deposited, the UCO Bank is directed to release 20% of the amount by transferring the

same to the Saving Bank Account of the appellant. The remaining amount be kept in fixed deposit in the name of the appellant in the following manner:-

- (i) Fixed deposit in respect of 20% for a period of one year.
- (ii) Fixed deposit in respect of 20% for a period of two years.
- (iii) Fixed deposit in respect of 20% for a period of three years.
- (iv) Fixed deposit in respect of 20% for a period of four years.

16. The interest on the aforesaid fixed deposits shall be paid monthly by automatic credit of interest in the respective Savings Account of the beneficiary.

17. Withdrawal from the aforesaid account shall be permitted to the beneficiary after due verification and the Bank shall issue photo Identity Card to the beneficiary to facilitate identity.

18. No cheque book be issued to the beneficiary without the permission of this Court.

19. The original fixed deposit receipts shall be retained by the Bank in the safe custody. However, the original Pass Book shall be given to the beneficiary along with the photocopy of the FDRs. Upon the expiry of the period of each FDR, the Bank shall

automatically credit the maturity amount in the Savings Account of the beneficiary.

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

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

22. On the request of the beneficiary, Bank shall transfer the Savings Account to any other branch according to their convenience.

23. The beneficiary shall furnish all the relevant documents for opening of the Saving Bank Account and Fixed Deposit Account to Mr. M.S. Rao, AGM, UCO Bank, Delhi High Court Branch, New Delhi (Mobile No. 09871129345).

24. Copy of this judgment be sent to Mr. M.S. Rao, AGM, UCO Bank, Delhi High Court Branch, New Delhi (Mobile No.09871129345).

J.R. MIDHA, J

APRIL 27, 2012