

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

Date of decision: 10th October, 2012

+ **MAC. APP. 26/2011**

SMT. SUJATA PRAKASH Appellant
Through: Mrs. Manjeet Chawla, Adv.

versus

AJAY & ORS. Respondents
Through Mr. Mohan Babu Aggarwal, Adv. with
Mr. Harkesh Chand Aggarwal, 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 Appellant seeks enhancement of compensation of ₹15,03,000/- awarded for the death of V. Prakash who died in a motor vehicle accident which occurred on 26.04.2003.
2. Admittedly, the deceased was aged 52 years and was therefore not entitled to any addition towards future prospects (*Sarla Verma (Smt.) & Ors. v. Delhi Transport Corporation & Anr., (2009) 6 SCC 121*) or even towards inflation(*Santosh Devi v. National Insurance Co. Ltd. & Ors., 2012 (4) SCALE 559*).
3. The salary certificate Ex.P-7 proved during inquiry before the Claims Tribunal shows that the deceased was getting a salary of ₹3,22,625/- in the year just before his death. The future prospects of ₹5,000/- granted

by the Claims Tribunal were, therefore, not permissible. The Claims Tribunal, however, did not take all the allowance received by the deceased like House Rent Allowance (HRA), Special Allowance, etc., which were for the benefit of the deceased and his family.

4. Applying *Sarla Verma*, the loss of dependency comes to ₹20,06,583/- (3,22,625/- - 49,000/- (income tax) x 2/3 x 11).
5. The Claimants are 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.
6. The compensation is thus enhanced from ₹15,03,000/- to ₹ 20,61,583/-.
7. The enhanced compensation of ₹5,58,583/- shall carry interest @ 6% per annum from the date of filing of the petition till its judgment and then @ 7.5% per annum from the date of filing of the Appeal till its payment.
8. Respondent No.3 the Oriental Insurance Company Limited is directed to deposit the enhanced compensation along with interest with UCO Bank, Delhi High Court, New Delhi within six weeks in the name of the Appellant.
9. The enhanced compensation shall enure for the benefit of the Appellant.
10. The Appeal is allowed in above terms.
11. Pending Applications also stand disposed of.

(G.P. MITTAL)
JUDGE

OCTOBER 10, 2012
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