

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

% *Date of Judgment: 13.07.2011*

+ **MAC APPEAL No. No. 78/2011**

NEW INDIA ASSURANCE CO. LTD. ....Appellant  
Through: Ms. Neerja Sachdeva,  
Advocate.

Versus

REENA NIGAM & OTHERS .....Respondents  
Through: Mr. Rajnish Jha, Advocate

**CORAM:**  
**HON'BLE MS. JUSTICE INDERMEET KAUR**

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

**INDERMEET KAUR, J.** (Oral)

1 This appeal has impugned the award dated 09.11.2010 vide which the compensation in the sum of ₹8,52,000/- along with interest @ 7.5% had been awarded in favour of the claimants; amongst the three petitioners the apportionment had also been detailed.

2 The claim petition had been filed under Section 166 of the Motor Vehicle Act, (MV Act). Mr. Avinash Nigam suffered an

accident on 03.10.2006 pursuant to which he succumbed to his injuries. Evidence was led and the aforementioned amount was awarded in favour of the claimants.

3 The only argument urged in the present appeal is that the loss of dependency had been computed taking into account future prospects when minimum wages criteria was being applied; the increase in minimum wages due to inflation and price index rise had been taken into account; calculation was made by doubling the minimum wages. Contention is that this was an incorrect formula in terms of judgment of the Supreme Court reported in Sarla Verma Vs. DTC (2009) 6 SCC 121.

4 This argument of learned counsel for the appellant is bereft of merit; the various benches of this Court time and again reiterated that the price index and the rise in inflation has to be kept in mind even while computing the loss of dependency of a person whose loss of dependency is being calculated on the formula of minimum wages; over a period of 10 years, the minimum wages are likely to be doubled. This has been reiterated by a catena of judgments of this Court reported in 2008 ACJ 2182 (Delhi) Kanwar Devi Vs. Bansal Roadways, 2007 ACJ 2165 (Delhi) Lekhraj Vs. Suram Singh and 2009 ACJ 1921 (Delhi) National Insurance Co. Ltd. Vs. Renu Devi. The calculation in this regard

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does not suffer from any infirmity.

5      No other ground has been urged before this Court. Appeal is  
without any merit.

6      Dismissed.

**INDERMEET KAUR, J.**

**JULY 13, 2011**

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