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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 20th February, 2015

+ **MAC.APP. 155/2007**

SUDESH & ORS.

..... Appellants

Through: Mr. Abhishek Gupta, Advocate

versus

DEEPAK TYAGI & ORS

..... Respondents

Through: Mr. Pankaj Seth, Advocate for
Respondent no.4 Insurance Co.

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 Rs.17,09,818/- awarded by the Motor Accident Claims Tribunal(the Claims Tribunal) in favour of the Appellants for the death of Sahdev, who died in a motor vehicular accident which occurred on 31.12.2005.
2. The following contentions are raised on behalf of the Appellants:

- (i) The deceased was in permanent employment of the Municipal Corporation of Delhi. He was aged 35 years and 10 months on the date of the accident, addition of 50% ought to have been made towards future prospects; and
 - (ii) The compensation awarded to the Appellants towards non-pecuniary damages is on the lower side.
- 3. On the other hand, the learned counsel for Respondent no.4, Insurance Company submits that the compensation awarded is just and reasonable.
- 4. The appeal must succeed on both the grounds.
- 5. Since deceased Sahdev was in permanent Government Service, there ought to have been made an addition of 50% towards future prospects. The Claims Tribunal also erred in making deduction towards GPF. The amount paid in GPF is for the benefit of the employee and his family. The loss of dependency thus, on applying the multiplier of 15, comes to Rs.26,80,512/- (Rs.12,833/- (including HRA) x 12 – Rs.5,079/-(Income Tax) + 50% x 3/4 x 16).

6. In addition, the Appellants are entitled to a sum of Rs.1,00,000/- each towards loss of love and affection and loss of consortium, Rs.25,000/- towards funeral expenses and Rs.10,000/- towards loss to estate. In addition, the claimants were also entitled to a sum of Rs.11,594/- towards medical expenses as awarded by the Claims Tribunal.
7. The overall compensation thus, comes to Rs.29,27,106/-.
8. The enhanced compensation of Rs.12,17,288/- shall carry interest @ 7.5% per annum from the date of the filing of the claim petition till its payment.
9. 75% of the enhanced compensation shall go to Appellant no.1, who is the widow of the deceased. Rest 25% shall go to Appellant no.6, who is the mother of the deceased.
10. 80% of the enhanced compensation payable to Appellant no.1 shall be held in Fixed Deposit for a period of two, four, six and eight years proportionately. Rest 20% shall be released on deposit.
11. Similarly, 50% of the enhanced compensation payable to

Appellant no.6 shall be held in Fixed Deposit for a period of two years. Rest 50% shall be released on deposit.

12. The enhanced compensation along with proportionate interest shall be deposited within four weeks by Respondent no.4, the New India Assurance Co. Ltd.
13. The appeal is disposed of in above terms.
14. Pending applications stand disposed of.
15. *Dasti.*

(G.P. MITTAL)
JUDGE

FEBRUARY 20, 2015
pst