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

Date of decision: 15th April, 2015

+ **MAC.APP. 287/2013**

THE NEW INDIA ASSURANCE CO. LTD. Appellant
Through Mr. Pankaj Seth, Advocate

versus

HAJRA KHATOON & ORS. Respondents
Through Mr. Pramod Kumar, Advocate for
Respondent no.1.

CORAM:
HON'BLE MR. JUSTICE G.P.MITTAL

G. P. MITTAL, J. (ORAL)

1. The only ground of challenge in the instant appeal is with regard to the addition of 30% towards future prospects.
2. During inquiry before the Motor Accident Claims Tribunal (the Claims Tribunal), it was claimed that deceased Barkat Ali was employed as a driver with Ataullah Ansari and was getting a salary of Rs.7,000/- per month. In the absence of any documentary evidence with regard to the deceased's employment and income, the Claims Tribunal took the minimum wages of a skilled worker *i.e.* Rs.4,000/- per month and made an addition of 30% towards future prospects/inflation to compute the loss of dependency at Rs.5,82,400/-

3. I have the Trial Court record before me. The employer Ataullah Ansari had entered the witness box as PW-3 to depose about the deceased's employment with him in his bakery as a driver. It may further be noted that the accident took place while the deceased was driving Max Bajaj bearing no.DL-1CJ-8891. Thus, it was established on record that the deceased was working as a driver on a commercial vehicle. The accident took place on 08.06.2009. Salary of a driver working on a commercial vehicle was not less than Rs.5,200/- per month which was taken by the Claims Tribunal to compute the loss of dependency. In view of this, the compensation awarded, considering the loss of dependency on an income of Rs.5,200/- cannot be faulted.
4. The appeal therefore, has to fail; the same is accordingly dismissed.
5. Pending applications also stand disposed of.
6. The statutory amount, if any, deposited shall be released to the Appellant Insurance Company.

(G.P. MITTAL)
JUDGE

APRIL 15, 2015
pst