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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 9th February, 2015

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MAC.APP. 422/2013

NEW INDIA ASSURANCE CO LTD

..... Appellant

Through: Mr.K.L. Nandwani, Advocate

versus

SMT MITHLESH & ORS.

..... Respondents

Through: Mr. S.N. Parashar, Advocate for
Respondents no.1 to 7.

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

G. P. MITTAL, J. (ORAL)

CM No. 7459/2013 (Additional evidence)

1. The Appellant-Insurance Company seeks to produce additional evidence on the ground that since the deceased was in police service some of the family members might have got an employment on compassionate basis. This is only a fishing enquiry.
2. The application is devoid of any merit; the same is accordingly dismissed.

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3. The appeal is for reduction of compensation of Rs.27,67,424/- awarded for the death of Sanjay Kumar, a Constable working in U.P. Police who died in a motor vehicular accident which occurred on 30.08.2011.
4. The following contentions are raised on behalf of the Appellant:
 - (i) The claimants did not make any inquiry that as per the Regulation of U.P. Police upon the death of an employee full salary which is being paid to the deceased at the time of death is continued to be paid till the age of superannuation. It is thus, stated that there is no loss to the Respondents/ claimants;
 - (ii) The age of the deceased was wrongly considered; and
 - (iii) Compensation of Rs.25,000/- towards loss of love and affection is on the higher side.
5. The grounds raised are devoid of any merit. No Rules and Regulations framed by U.P. Police were brought to the notice of the Claims Tribunal or this Court by the Appellant whereby a police official dying in harness in the State of U.P., the legal representatives would be entitled to full salary till the age of superannuation. The contention raised is without any basis, the same is therefore rejected.

6. The date of birth of deceased Sanjay Kumar was proved by PW3 Manoj Kumar, Accountant from Transport Department, Muzaffar Nagar, U.P. that the date of birth of the deceased was 01.08.1979. The accident occurred on 30.08.2011. Thus, the deceased was aged 32 years on the date of the accident. The Claims Tribunal rightly selected the multiplier of 16.
7. The contention that an award of Rs.25,000/- towards loss of love and affection is on the higher side is noted to be rejected in view of the judgment of the Supreme Court in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54, the Claims Tribunal and the High Courts are now awarding a compensation of Rs.1,00,000/- towards loss of love and affection.
8. The appeal therefore, has to fail; the same is accordingly dismissed.
9. Pending applications stand disposed of.
10. Statutory amount, if any, deposited shall be refunded to the Appellant Insurance Company.

(G.P. MITTAL)
JUDGE

FEBRUARY 09, 2015

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