$-4

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

Decided on: 6th April, 2015

\+ **MAC.APP. 609/2011**

ICICI LOMBARD GENERAL INSURANCE CO LTD..... Appellant
Through: Ms. Suman Bagga, Adv. with Mr. Pankaj Gupta, Adv.

versus

SMT MAMTA & ORS ..... Respondents
Through: Nemo.

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

J U D G M E N T

G. P. MITTAL, J. (ORAL)

1. There is twin challenge to the judgment dated 23.04.2011 passed by the Motor Accident Claims Tribunal (the Claims Tribunal) whereby compensation of ₹9,37,296/- was awarded in favour of Respondents no.1 to 3 for the death of Satender for having suffered fatal injuries in a motor vehicular accident which occurred on 13.01.2009. Satender was an agriculturist by profession

2. It is urged by the learned counsel for the Appellant that the deceased was working as a Farmer but, the Claims Tribunal took his income as per the minimum wages of a Matriculate (as per his qualification) and

made an addition of 50% towards future prospects. It is also urged that the award of interest @ 15% per annum is exorbitant and excessive.

3. I have perused the Trial Court record.

4. As an agriculturist, deceased Satender was expected to work day and night. It can be assumed that in the year 2009, the input of labour towards agriculture by a farmer in his own fields cannot be taken as per the minimum wages of a skilled worker or even of a Matriculate. I will make an assessment of the same to be at least ₹5,000/- per month. The loss of dependency therefore, comes to ₹ 7,20,000/- (5,000/- x 2/3 x 12 x 18).

5. In addition, the Respondents are entitled to a sum of ₹1 lac each towards loss of love and affection and loss of consortium, ₹25,000/- towards funeral expenses and ₹10,000/- towards loss to estate.

6. The overall compensation thus, comes to ₹9,55,000/-.

7. The award of compensation of ₹9,37,296/- by the Claims Tribunal cannot be said to be excessive and exorbitant; the same is just and reasonable.

8. However, grant of interest @ 15% is quite high. The rate of interest started falling since the beginning of this century and started firming

up since the year 2007. The interest on long term deposits with any Nationalised Bank was varying between 7.5 % to 8.00 % per annum during the period of accident and decision by the Claim Petition.

9. In view of this, award of interest @ 15% per annum is set aside. The same is reduced to 8% per annum.

10. The appeal is allowed in above terms.

11. Pending applications, if any, stand disposed of.

(G.P. MITTAL)
JUDGE

APRIL, 06, 2015
vk