

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

Date of decision: 14th January, 2015

+ **MAC.APP. 690/2013**

RELIANCE GENERAL INSURANCE COMPANY LTD.

..... Appellant

Through: Ms. Shantha Devi Raman, Adv. with
Mr. Garud M.V., Adv. &
Mr. Sameer Dev Singh, Adv.

versus

HARIOM & ORS.

..... Respondents

Through: Mr. Santosh Pratap, Adv. for R-1 &
R-2.

CORAM:

HON'BLE MR. JUSTICE G.P.MITTAL

G. P. MITTAL, J. (ORAL)

1. The appeal is for reduction of compensation of Rs.20,78,816/- awarded by the Motor Accident Claims Tribunal (the Claims Tribunal) for the death of a 17 years old girl Ms. Saumya Singh, who succumbed to the injuries suffered in a motor vehicular accident which occurred on 22.05.2010.
2. It is urged by the learned counsel for the Appellant that the deceased had just passed her 11th standard and was a student of 12th class. The Claims Tribunal erred in taking the notional income of the deceased as Rs.15,000/- per month. The Claims Tribunal further added 50%

towards future prospects, which is in violation of the three Judge Bench decision in *Reshma Kumari & Ors. v. Madan Mohan & Anr.* (2013) 9 SCC 65.

3. I have perused the record. Respondents no.1 and 2 have placed on record host of documents to show that the deceased was a brilliant student. Mark sheet issued by the Central Board of Secondary Education (CBSE) shows that the deceased had secured 92%, 95% and 79% marks in English, Hindi and Mathematics respectively. She had passed 11th standard and was a student of Brilliant Tutorials pursuing for admission in IIT. She was granted scholarship of Rs.40,000/- by the Brilliant Tutorials vide letter Ex.PW-1/7 proved during inquiry before the Claims Tribunal. The deceased participated in Science Olympiad Foundation in Sixth National Science Olympiad and was awarded a merit certificate for her distinctive performance. Other documents have also been placed on record to show that the deceased Ms. Saumya Singh was a brilliant student. In view of this, I am of the view that notional income of Rs.15,000/- taken by the Claims Tribunal was on the lower side. It ought to have been taken as Rs.20,000/- per month.

4. I am supported in this view by a report of the Supreme Court in *Haji*

Zainullah Khan (Dead) by Lrs. v. Nagar Mahapalika, Allahabad, 1994

(5) SCC 667, wherein in case of death of a young boy aged 20 years, who was a student of B.Sc. (First year) (Biology) in the year 1972, the compensation of Rs.1,46,900/- was increased and rounded off to Rs.1,50,000/-. At the same time, addition towards future prospects was not justified.

5. The loss of dependency thus comes to Rs.18,00,000/- (Rs.20,000/- x $12 \div 2 \times 15$).
6. The Claims Tribunal awarded a compensation of Rs.25,000/- towards loss of love and affection. In view of the judgment in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 the compensation awarded towards loss of love and affection is increased to Rs.1,00,000/-.
7. Similarly, a compensation of Rs.13,816/- was awarded by the Claims Tribunal as against the medical bills of Rs.33,816/- as the deceased Saumya Singh was admitted in Fortis Hospital. In addition to the sum of Rs.33,816/-, I also award another sum of Rs.10,000/- towards conveyance charges, special diet and gratuitous services rendered by the family members.
8. The revised compensation is hence, tabulated as under:-

Sl. No.	Compensation under various heads	Awarded by the Claims Tribunal	Awarded by this Court
1.	Loss of Dependency	20,25,000/-	18,00,000/-
2.	Loss of Love and Affection	25,000/-	1,00,000/-
3.	Loss to Estate	10,000/-	10,000/-
3.	Funeral Expenses	25,000/-	25,000/-
4.	Reimbursement of Bills	13,816/-	33,816/-
5.	Conveyance Charges	--	10,000/-
6.	Special Diet	--	10,000/-
7.	Gratuitous services	--	10,000/-
	Total	Rs.20,98,816/-	Rs.19,98,816/-

9. There is a clerical mistake in para 21 of the impugned award as while calculating the total award, it is recorded that '*Thus, the total compensation will be Rs.19,98,816/-*' instead of Rs.20,98,816/-.

10. The overall compensation now comes to Rs.19,98,816/-.

11. Learned counsel for Respondents no.1 and 2 has urged that a sum of Rs.74,364/- was paid towards the tuition fee in Brilliant Tutorials vide receipt Ex.PW-1/8 and because of death of Ms. Saumya Singh, the said money could not be utilised.

12. Strictly speaking, this sum is not permissible for reimbursement as the

parents of the deceased might have spent a large sum of money on education of the deceased. In any case, I do not find the compensation of Rs.20,98,816/- awarded by the Claims Tribunal to be excessive and exorbitant. Overall compensation seems to be just and reasonable. Therefore, I am not inclined to interfere with the award of compensation.

13. The appeal is accordingly dismissed.
14. The compensation awarded shall be released/held in fixed deposit in favour of Respondents no.1 and 2 in the proportion as directed by the Claims Tribunal.
15. The statutory amount of ₹25,000/- shall be refunded to the Appellant Insurance Company.
16. Pending applications also stand disposed of.

(G.P. MITTAL)
JUDGE

JANUARY 14, 2015
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