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

*Decided on: 6<sup>th</sup> April, 2015*

+ **MAC.APP. 861/2012**

NEW INDIA ASSURANCE CO. LTD.

..... Appellant

Through: Ms.Neerja Sachdeva, Advocate

versus

TRILOK SINGH @ TRILOKI & ORS

..... Respondents

Through: None

**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 reduction of compensation of Rs.5,55,000/- awarded by the Motor Accident Claims Tribunal (the Claims Tribunal) in favour of Respondents no.1 and 2 for the death of their 16 years old son Chaman Lal @ Canki who suffered fatal injuries in a motor vehicular accident which occurred on 09.12.2009.

2. It is very unfortunate that the Appellant Insurance Company preferred to approach this Court even on the award of paltry compensation in a fatal accident case. It is admitted case of the parties that the deceased was a student of 8<sup>th</sup> standard in Jeeven Jyoti Public School. It was claimed that he was doing stitching work in addition to his studies. Even if the factum of the deceased doing stitching work is disbelieved, it is well settled that in case of a student, potential income can be taken into consideration to award loss of dependency and loss of earning capacity. (*See Meenu Tognatta & Anr. v. National Insurance Company Limited, MAC APP.238/2012, decided on 20.04.2012*).
3. Since deceased Chaman Lal @ Canki was a student of 8<sup>th</sup> standard and assuming that he belonged to poor strata of the society, he would have at least completed his matriculation. The minimum wages of a matriculate on the date of the accident were Rs.4,382/- per month. On making deduction of 50% towards personal and living expenses(in case of a bachelor) and applying the multiplier of 14, the loss of dependency would

come to Rs.3,68,088/-(Rs.4,382/- x 1/2 x 12 x 14).

4. On addition of a sum of Rs.1,00,000/- towards loss of love and affection, Rs.25,000/- towards funeral expenses and Rs.10,000/- towards loss to estate, the overall compensation would come to Rs.5,03,088/-. Therefore, the award of compensation of Rs.5,55,000/- granted by the Claims Tribunal cannot be said to be exorbitant or excessive calling for interference by this Court.
5. The appeal therefore, has to fail; the same is accordingly dismissed.
6. Pending applications also stand disposed of.
7. Statutory amount, if any, deposited shall be refunded to the Appellant Insurance Company.

**(G.P. MITTAL)**  
**JUDGE**

**APRIL 06, 2015**

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