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IN THE HIGH COURT OF DELHI AT NEW DELHI

Decided on: 28th January, 2015

+ MAC.APP. 26/2015

SH. RAJINDER SINGH LAMBA & ORS Appellants
Through: Mr. Yashpal Rangi, Advocate.

versus

SH. MONU & ORS (ICICI LOMBARD & HDFC
INSURANCE) Respondents
Through: None.

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

G. P. MITTAL, J. (ORAL)

CM.APPL 422/2015(Exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

MAC.APP. 26/2015

1. The appeal is directed against the judgment dated 26.10.2013 whereby a compensation of Rs.37,59,570/- along with interest @ 7.5% per annum from the date of filing of the claim petition was awarded in favour of the Appellants for the death of Mukesh, who died in a motor vehicular accident which occurred on 22.11.2011.

2. It is urged by the learned counsel for the Appellants that deceased Mukesh was going to be confirmed on 06.12.2011 and the unfortunate accident occurred on 22.11.2011. On confirmation, the deceased was to get an increment of Rs.2000/-, the same ought to have been taken into consideration while computing the loss of dependency. It is further urged that interest granted at the rate of 7.5% per annum is on the lower side.

3. It is well settled (see *Sarla Verma (Smt.) & Ors. v. Delhi Transport Corporation & Anr.*, (2009) 6 SCC 121) that the income of the deceased at the time of death is to be taken into consideration for computing the loss of dependency. An addition of 50% or 30% is to be made if the deceased person has good future prospects depending upon the age of the deceased. In the instant case, the Claims Tribunal made an addition of 50% towards future prospects as the deceased was aged less than 40 years. The Claims Tribunal further awarded a sum of Rs.1 lakh each towards loss of love and affection and loss of consortium and Rs.25,000/- towards funeral expenses. Hence, the loss of dependency has been granted in accordance with the decision in *Sarla Devi v. Delhi Transport Corporation (supra)*, which has been affirmed by a three Judge Bench decision of the Supreme Court in *Reshma Kumari & Ors. V. Madan Mohan & Anr.*, (2013) 9 SCC 65.

4. The appeal is devoid of any merit. The same is accordingly dismissed *in limine*

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CM No.447/2015

Since the appeal is devoid of any merit, CM No.447/2015 for condonation of delay is also dismissed.

(G.P. MITTAL)
JUDGE

JANUARY 28, 2015
srb