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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 04.05.2016

+ **MAC.APP. 160/2013**

SATYA PRAKASH PANDEY & ORS. Appellant
Through Mr. Mukesh K Verma, Adv.
versus

CHOLAMANDALAM MS GENERAL INSURANCE CO. LTD. &
ORS.

..... Respondent
Through Mr. Pankaj Gupta, Adv. for Ms.
Suman Bagga, Adv. for R-1

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA
JUDGMENT

R.K.GAUBA, J (ORAL):

1. Shraavan Kumar Pandey, 20 year old bachelor, self-employed, suffered injuries in motor vehicular accident on 04.06.2011 involving negligent driving of motor vehicle bearing registration No.HR 38P 5102 (offending vehicle) and died. His parents and younger sister claiming to be dependents filed accident claim case (MAC petition No.103/11) on 01.08.2011 seeking compensation impleading the first respondent (insurer) as one of the respondents, it being admittedly the insurance company which had issued the third party insurance policy in respect of the offending vehicle for the period in question. The tribunal assessed the loss of dependency in the sum of Rs.17,00,175/- and added Rs.25,000/- towards loss of love & affection, Rs.10,000/- towards loss of estate and Rs.5,000/- towards funeral expenses and awarded compensation in the total sum of Rs.17,40,175/- with interest at 7.5% per annum calling upon the insurer to pay.

2. The appeal at hand seeking enhancement is pressed only to seek improvement of the non-pecuniary awards and rate of interest. Following the view taken in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 and *Shashikala V. Gangalakshamma* (2015) 9 SCC 150, compensation in the sum of Rs.1 lakh on account of loss of love & affection and Rs.25,000/- each towards loss of estate and funeral expense are granted. This would mean the award shall stand enhanced by Rs.1,10,000/-.

3. Following the consistent view taken by this Court [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.*], the rate of interest is increased to 9% per annum from the date of filing of the petition till realization.

4. The award is modified as above.

5. It is directed that the entire enhanced portion of the award including the effect of increase in the rate of interest shall fall to the share of the second appellant (Anita Pandey), mother of the deceased, and shall be released to her in the form of fixed deposit receipt in a nationalized bank for a period of seven years with right to draw monthly interest.

6. The insurance company is directed to satisfy the modified award by requisite deposit with the tribunal within 30 days making it available to the claimants.

7. The appeal is disposed of in above terms.

R.K. GAUBA
(JUDGE)

MAY 04, 2016/VLD