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

%	**Date of Decision: 25th July, 2016**

\+	MAC.APP. 896/2013

5	ORIENTAL INSURANCE CO LTD ..... Appellant

Through: Pankaj Seth, Adv.

versus

SEEMA AND ORS ..... Respondents

Through: Mr. Sanjeev Srivastava, Adv. for R1 to R5.

\+	MAC.APP. 187/2014

6	SMT SEEMA & ORS ..... Appellants

Through: Mr. Sanjeev Srivastava, Adv.

versus

ANIL RATHORE & ORS ..... Respondents

Through: Mr. Pankaj Seth, Adv.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. On 23rd July, 2009, Babban Singh was travelling in an auto bearing No. DL-1LJ-1148 which over-turned. Babban Singh suffered grievous injuries which resulted to his death on 06th August, 2009.

2. The deceased was survived by his widow, three minor children and mother who filed the claim petition before the Claims Tribunal. The deceased was aged about 28 years and was working as a vegetable vendor at the time of death. It was claimed that deceased was earning Rs.10,000/- per month. However, in the absence of any documentary evidence of income, the Claims Tribunal took minimum wages of Rs.3,934/-, added 30% towards the inflation, deducted 1/4th towards his personal expenses and

applied the multiplier 16 to compute the lost of dependency of Rs.7,36,448. The Claims Tribunal awarded Rs.1,00,000/- towards love and affection, Rs. 1,00,000/- towards loss of consortium Rs.10,000/- towards loss of estate and Rs.25,000/- towards funeral expenses. Total compensation awarded is Rs.9,71,448/- along with interest @ 9% per annum.

3. The Claimants seek enhancement of the compensation on the following grounds:-

(i) Minimum wages on the date of the death be taken as Rs.3,953/- instead of Rs.3,934/-.

(ii) Multiplier at the age of 28 is 17 instead of 16.

4. The Insurance Company has challenged the award on the ground that the 30% towards the inflation on minimum wages should not be taken and the penal interest of 12% per annum should not be imposed for 90 days prescribed for filing the appeal.

5. Learned counsel for the claimants has handed over the Schedule of Minimum Wages according to which the Minimum Wages on the date of death i.e. 06th August, 2009 were Rs.3,953/-. The Claimants are entitled to computation of compensation according to the minimum wages of Rs.3,953/- instead of Rs.3,934/-.

6. The Claims Tribunal has applied multiplier of 16 whereas appropriate multiplier at the age of 28 is 17. The multiplier is, therefore, enhanced from 16 to 17.

7. Taking the minimum wages of Rs.3,953/-, adding 30% towards inflation, deducting 1/4th towards his personal expenses and applying multiplier of 17, adding Rs.1,00,000/- towards love and affection, Rs.1,00,000/- towards loss of consortium, Rs.10,000/- towards loss of estate and Rs.25,000/- towards the funeral expenses, the claimants are entitled to compensation of Rs.10,21,252/- along with interest @ 9%. Since the appeal

was pending before this Court, the penal interest is set aside.

8. MAC.APP.187/2014 is allowed and the award is enhanced from Rs.9,71,448/- to Rs.10,21,252/- along with interest @ 9% per annum from date of institution upto the date of deposit.

9. MAC.APP.896/2013 is partially allowed by setting aside the penal interest @ 12% per annum.

10. The Insurance Company has deposited the amount awarded by the Claims Tribunal with the Registrar General of this court in terms of the order dated 04th October, 2013 out of which 80% amount has been released to the claimant and the balance amount is lying in the fixed deposit.

11. The Insurance Company is directed to deposit the enhanced amount with UCO Bank, Delhi High Court Branch within a period of four weeks from today.

12. The Insurance Company shall file the affidavit of compliance of this order within one week of the deposit. The affidavit shall contain the computation of the interest on the award amount upto the date of deposit. The Insurance Company shall send the copy of the affidavit to the respondents.

13. After deposit of the enhanced amount, the statutory amount of Rs.25,000/- be refunded back to the Insurance Company.

14. With respect to the award amount lying deposited in FDR with UCO Bank, Delhi High Court Branch, Registrar General is directed to instruct UCO Bank, Delhi High Court Branch to issue fresh FDRs in the name of Seema for Rs.2,00,000/- in the following manner:-

(i) FDR for Rs.50,000/- for a period of one year.

(ii) FDR for Rs.50,000/- for a period of two years.

(iii) FDR for Rs.50,000/- for a period of three years.

(iv) FDR for Rs.50,000/- for a period of four years.

15. All the original FDRs shall be retained by UCO, Delhi High Court Branch. However, the photocopies of the same shall be provided to the appellant as well as to claimant Seema.

16. Interest on all the fixed deposit shall be paid monthly to the beneficiary by transferring the interest amount to her individual saving bank account.

17. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

18. Upon receipt of the enhanced award amount by the Insurance Company, UCO Bank, Delhi High Court Branch shall keep the same in fixed deposit in the name of three minor children namely Hritik, Aradhana Kumari and Sunny in equal shares with cumulative interest till they attain age of majority.

19. The Claimants shall approach the UCO Bank, Delhi High Court Branch for completing the formalities for the disbursement of the award amount in terms of this order.

20. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

21. Copy of this judgment be also sent to the UCO Bank, Delhi High Court Branch for compliance.

J.R. MIDHA, J.

JULY 25, 2016/ak