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

% **Date of Decision: 23rd August, 2016**

\+ MAC.APP. 315/2008

PAM PARMAR ..... Appellant
Through: Mr. Riju Raj Jamwal and Mr. Munazir Hasan, Advocates

versus

COL DEWAN & ORS. ..... Respondents
Through: Mr. Abhishek Kumar Gola, Advocate for respondent No.3

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

JUDGMENT (ORAL)

1. The accident dated 02nd July, 2004 resulted in the death of Jitender Singh Parmar. The deceased was aged 75 years at the time of the accident and was survived by his widow, daughter and son who filed claim petition before the Claims Tribunal.

2. The deceased was earning Rs.75,000/- on the investments made by him. However, since the investments devolved upon the claimants, the Claims Tribunal held that there was no loss of income and, therefore, the claimants were not entitled to any compensation towards loss of dependency. The Claims Tribunal awarded Rs.1 lakh towards loss of love and affection, loss of consortium and funeral expenses.

3. Learned counsel for the appellant urged at the time of the hearing of the appeal that the compensation be awarded towards loss of estate. Learned counsel further submits that the compensation towards loss of love, affection and consortium be enhanced.

4. This Court agrees with the Claims Tribunal that the appellants are not entitled to any compensation for loss of dependency. However, the appellants are entitled to compensation towards loss of estate. Rs.50,000/- is awarded to the appellants under the head of loss of estate. The Claims Tribunal has awarded a lump sum award of Rs.1 lakh towards loss of love and affection, consortium and funeral expenses which warrants enhancement. Rs.1 lakh is awarded to appellant No.1 towards loss of consortium. Rs.1 lakh is awarded to the appellants towards loss of love and affection. The funeral expenses are computed as Rs.25,000/-. The appellants are entitled to total compensation of Rs.2,75,000/-.

5. The Claims Tribunal has awarded interest @ 7% per annum which is on a lower side. The Supreme Court has consistently awarded interest @ 9% per annum. Reference may be made to ***Municipal Corporation of Delhi v. Association of Victims of Uphaar Tragedy,*** AIR 2012 SC 100. The rate of interest is enhanced from 7% to 9%.

6. The appeal is allowed and the award amount is enhanced from Rs.1 lakh to Rs.2,75,000/- along with interest @ 9% per annum from the date of filing of the claim petition upto the date of realisation.

7. Respondent No.3 is directed to deposit the enhanced award amount along with upto date interest with UCO Bank, Delhi High Court Branch by means of a cheque drawn in the name of UCO Bank A/c Pam Parmar. Upon deposit of the aforesaid amount, UCO Bank shall release the award amount to the appellants, without any restriction of FDR, in the following proportion:

(i)	Mrs. Pam Parmar	60%
(ii)	Mr. Shiva Parmar	20%
(iii)	Ms. Himani Parmar	20%

8. Respondent No.3 shall file an affidavit along with the proof of deposit within one week of the deposit. The affidavit shall contain the computation of the interest. The registry shall verify the computation of interest.

9. Copy of this judgment be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

AUGUST 23, 2016
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