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

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

+ MAC.APP. 647/2014

SMT BALA RANI & ORS Appellants
Through: Mr. J.B. Ravi, Advocate

versus

MR ISRAR ALI & ORS Respondents
Through: Ms. Shanta Devi Raman and
Mr. Arbaaz Hussain, Advocates
for respondent No.3

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

JUDGMENT

1. The appellants have challenged the award of the Claims Tribunal whereby compensation of Rs.11,20,920/- has been awarded to them. The appellants are seeking enhancement of compensation.
2. The accident dated 07th July, 2012 resulted in the death of Aman Kumar. The deceased was aged 23 years at the time of accident and was survived by his parents and younger brother who filed the claim petition before the Claims Tribunal.
3. The deceased was working as a Junior Non-Linear Editor with Independent News Service Pvt. Ltd. earning Rs.9,226/- per month. The Claims Tribunal took his income as Rs.8,426/- per month, added 50% towards future prospects, deducted 50% towards his personal expenses and applied multiplier of 13 according to the age of the

mother to compute the loss of dependency as Rs.9,85,920/-. The Claims Tribunal awarded Rs.1,00,000/- towards loss of love and affection, Rs.10,000/- loss of estate and Rs.25,000/- towards funeral expenses. The total compensation awarded is Rs.11,20,920/-.

4. The appellants are seeking enhancement on the ground that the income of the deceased be taken as Rs.9,226/- and 100% be added towards future prospects considering that the appellant had completed a course – Training Modules of the Avid Non-Linear Editing and Graphics Compositing Programme and was working as a Junior Non-Linear Editor with Independent News Service Pvt. Ltd and had a very bright future in the Media. It was further submitted that Mr. Jitender Rawat, who was working in the same company at the position of Non-Linear Editor, Independent News Service Pvt. Ltd was drawing the salary of Rs. 21,303/- according to his pay slip for the month July, 2013 (Ex.PW-2/B). It is submitted that the multiplier be enhanced 13 to 16 according to the age of the deceased. The appellants also seek enhancement in the rate of interest from 7.5% to 9%.

5. The deceased was working as Junior Non-Linear Editor with Independent News Service Pvt. Ltd. earning Rs.9,226/- per month on the date of the accident, i.e., 07th July, 2012. The salary of Mr. Jitender Rawat, Non-Linear Editor, Independent News Service Pvt. Ltd who was working in the same company has become more than double and he was drawing salary of Rs. 21,303/- in July, 2013. The deceased was aged 23 years at the time of the accident and in normal course, the deceased would have served for another 30 years. Even if we do not take the future prospects of promotion to which deceased

was entitled, the salary of the deceased by taking actual pay revision from 2012 to 2042 would be more than double. Hence, this is a fit case for taking 100% increase in future income of the deceased. In *New India Assurance Company Limited v. Gopali and Others*, (2012) 12 SCC 198 and *Vimal Kanwar and Others v. Kishore Dan and Others*, (2013) 7 SCC 476, the Supreme Court has determined the compensation by granting 100% increase in the income of the deceased. Following the aforesaid decisions, the income of the deceased is taken as Rs.18,452/- per month.

6. The Claims Tribunal has awarded interest @ 7.5%, which is on a lower side. The Supreme Court has consistently awarded interest @ 9% per annum. The rate of interest is, therefore, enhanced to 9% per annum.

7. Taking the income of the deceased as Rs.18,452/- per month, deducting $\frac{1}{2}$ towards his personal expenses and applying the multiplier of 14, the loss of dependency is computed at Rs.15,49,968/- . Adding Rs.1,00,000/- towards loss of love and affection; Rs.10,000/- towards loss of estate and Rs.25,000/- towards funeral expenses, total compensation is computed as Rs.16,84,968/- along with interest @ 9% per annum.

8. The appeal is allowed and the compensation is enhanced from Rs.11,20,920/- to Rs.16,84,968/- along with interest @ 9% per annum from the date of petition i.e. 26th September 2012.

9. Respondent No.3 is directed to deposit the enhanced award amount with UCO Bank A/c Bala Rani within four weeks.

10. List for disbursement of the enhanced award amount on 15th

February, 2017.

11. The appellants shall remain present on the next date of hearing.

12. Copy of this judgement be given *dasti* to learned counsels for the parties.

DECEMBER 23, 2016
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J.R. MIDHA, J.

