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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 11th May, 2016

+ **MAC.APP. 305/2013**

SAVITRI & ORS.

..... Appellant

Through: Mr. S N Parashar, Adv.

versus

SALEEM & ORS.

..... Respondent

Through: Mr. Rajat Brar, Adv.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. On the claim petition (MACT No.271/07) the motor accident claims tribunal (tribunal) by judgment dated 11.07.2012 awarded compensation in the sum of ₹7,17,100/- with interest at 9% per annum from the date of filing of the petition (07.09.2010) in favour of the appellants (claimants) on account of death of Ramvir Singh in motor vehicular accident that occurred on 01.07.2010 involving negligent driving of motor vehicle No.DL 1RK 2150 which was admittedly insured against third party risk with the third respondent. The tribunal directed the third respondent (insurer) to pay the compensation though granting it recovery rights in view of the finding of breach of terms and conditions of the insurance policy.

2. By the appeal at hand, the claimants seek enhancement of the compensation submitting that the non-pecuniary damages in the sum of ₹25,000/- towards love & affection, ₹10,000/- each towards loss of

consortium and loss to estate and ₹7,000/- towards funeral expenses are inadequate.

3. Having heard arguments and having perused the record, the contentions pressed in appeal are found to be just and proper. 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 ₹1 lakh each on account of loss of love & affection and loss of consortium and ₹25,000/- each towards loss of estate and funeral expenses are awarded in lieu of the amounts granted by the tribunal. This would result in increase in the award by an amount of (2,50,000 – 52,000) ₹1,98,000/-.

4. Ordered accordingly.

5. The tribunal had apportioned the award in favour of different claimants by specifying the amounts falling to their respective shares. Having regard to the amounts already paid to the other claimants, it is directed that the entire enhanced portion of the award with corresponding interest shall be payable to the first appellant (wife).

6. The insurer is directed to deposit the enhanced portion of the award with corresponding interest with the tribunal within 30 days of this judgment making it available to be released accordingly.

7. Needless to add, the recovery rights granted to the insurer shall inure even in respect of the enhanced portion.

8. The appeal is disposed of in above terms.

R.K. GAUBA
(JUDGE)

MAY 11, 2016/VLD