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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ MAC.APP. 131/2009 & CM No.3031/2009
M/S NEW INDIA ASS. CO. LTD. Appellant
Through: Mr.D.K.Sharma, Advocate.

versus

SUMER SINGH GULIA & ORS. Respondents
Through: Mr.Vasdev Lalwani & Mr.Rohit
Gautam, Advocates for respondent
Nos.1 & 2.
Ms.Neerja Sachdeva, Advocate for
respondent No.3/Insurer.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
% **28.11.2016**

The impugned Award of 30th September, 2008 grants compensation of ₹ 33,25,000/- with interest to the respondent Nos.1 and 2, who are parents of the deceased on account of the death of a bachelor aged 24 years in a road accident on 10th September, 2005.

Undisputed facts are that on the date of the accident, deceased was Lieutenant Commissioned Officer in Indian Army and drawing approx salary of ₹15,000/- odd per month. On the basis of the evidence on record, learned Tribunal has granted the aforesaid compensation to the parents of the deceased.

Challenge to the impugned Award in this appeal by the learned counsel for appellant - Insurer is on the ground that without any evidence, learned Tribunal has assumed that the deceased would have got the benefit of two more Pay Commissions. It is further submitted that the deduction of

one-third has been made towards personal expenses whereas it ought to have been one-half and the Award be accordingly modified. Nothing else is urged on behalf of the appellant.

Learned counsel for respondent/claimants submits that the deceased was being provided the accommodation, ration, uniform etc and the personal expenses of the deceased were meagre and so one-third under this head has been rightly deducted by Tribunal and thus there is no substance in this appeal.

Upon hearing, on perusal of impugned Award and the evidence recorded, I find that since deceased was a serving officer in the Indian Army, therefore, deduction of one-third towards personal expenses has been rightly made. There is no denial that judicial notice can be taken of the fact that in a case of government servant, the subsequent Pay Commissions would be there in a case deceased who is in his/her twenties.

While noting that the present salary of deceased was ₹15,000/- odd, learned Tribunal has concluded that the salary of deceased after the Pay Commission would have been not less than of ₹60,000/- on account of time scale promotions and revision in the pay scale under the Pay Commission.

In considered opinion of this Court, the aforesaid view taken by the learned Tribunal is quite reasonable and is not required to be interfered with.

Finding no merit in the instant appeal and application, they are dismissed with no order as to costs. The statutory deposit, if made by the Insurer, be refunded forthwith.

(SUNIL GAUR)
JUDGE

NOVEMBER 28, 2016

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