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

+ MAC.APP. 379/2012

ICICI LOMBARD GENERAL INSURANCE CO LTD..... Appellant

Through: Ms. Suman Bagga and Mr. Pankaj
Gupta, Advocates

versus

RADHAWA DEVI & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **17.10.2016**

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.9,76,000/- has been awarded to claimants/respondents No.1 to 4.
2. The accident dated 21st September, 2010 resulted in the death of Girja Bharti. The deceased was aged 47 years at the time of the accident and was working as a helper with a contractor. The deceased was survived by his widow, two sons and one daughter, who filed the claim before the Claims Tribunal. The Claims Tribunal took the minimum wages of Rs.5,300/-, added 50% towards future prospects, deducted 1/4th towards personal expenses and applied the multiplier of 13 to award loss of dependency of Rs.9,36,000/-. The Claims Tribunal awarded Rs.10,000/- towards cost of expenses for transportation of body of deceased, Rs.10,000/- towards loss of love and affection, Rs.10,000/- towards loss of consortium, Rs.5,000/- towards loss of estate and Rs.5,000/- towards funeral expenses. The total compensation awarded is Rs.9,76,000/- along with interest @ 7.5% per

annum.

3. Learned counsel for the appellant urged at the time of hearing of this appeal that the 50% addition towards future prospects was not warranted. It is further submitted that the personal expenses of the deceased be reduced from one-fourth to one-third.

4. On careful consideration of the submissions made by learned counsel for the appellant, this Court is of the view that the compensation awarded to the claimants/respondents No.1 to 4 is just, fair and reasonable and it does not warrant any reduction considering that the Claims Tribunal has awarded compensation on a lower side under the heads of loss of love and affection, loss of consortium and loss of estate as well as lower rate of interest of 7.5% per annum whereas this Court has consistently awarded interest @ 9% per annum.

5. The appeal is dismissed.

6. The statutory amount be refunded back to the appellant.

J.R. MIDHA, J.

OCTOBER 17, 2016
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