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

% **Date of Decision: 29th November, 2016**

+ MAC.APP. 616/2012

BASANTI LATA MAHAPATRA & ANR Appellants

Through: Mr. Rajesh Dwivedi and Mr.
Zahid Ali, Advs.

versus

GANNOJI SRINU & ANR Respondents

Through: Mr. Amit Kumar Pandey, Adv.
as amicus curiae.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.6,17,560/- has been awarded to the appellants. The appellants seek enhancement of the award amount.
2. The accident dated 29th December, 2007 resulted in the death of Debashish Das Mahaptara. The deceased was aged 22 years at the time of the accident and was survived by his parents who filed the claim petition before the Claims Tribunal. The deceased was B.Tech, working as a Management Trainee, earning Rs. 8,334/- per month.
3. The Claims Tribunal took minimum wages of Rs.4,230/-, added 50% towards future prospects, deducted 50% towards personal expenses and applied the multiplier of 14 to compute the loss of dependency as Rs. 5,32,560/-. The Claims Tribunal awarded Rs.20,000/- towards loss of love and affection and Rs.20,000/- towards loss of estate, Rs. 20,000/- towards funeral expenses and

Rs. 25,000/- towards conveyance charges. The total compensation awarded is Rs.6,17,560/-.

4. Mr. Amit Kumar Pandey, learned amicus curiae appointed by this Court submits that annual income of the deceased be taken as Rs.8,334/- instead of the minimum wages. It is further submitted that the compensation towards loss of love and affection be enhanced from Rs.20,000/- to Rs.1,00,000/- to each of the two appellants. It is submitted that compensation for loss of estate be enhanced from 20,000/- to 50,000/-. It is further submitted that the compensation towards conveyance be enhanced from Rs.25,000/- to Rs.50,000/- considering that the parents of the deceased travelled from Delhi to Hyderabad to bring the body and thereafter, took the body to Orissa for last rites. It is further submitted that the rate of interest be enhanced from 7.5% to 9%.

5. There is merit in the contentions made by the learned amicus curiae. Taking the income of deceased a Rs. 8,334/- per month, deducting 50% towards personal expenses and applying multiplier of 14, loss of dependency is computed as Rs.7,00,056/-. The compensation towards loss of love and affection is enhanced to Rs.1,00,000/- to each of the two appellants. The compensation towards loss of estate is enhanced from 20,000/- to Rs.50,000/-. The compensation towards conveyance is enhanced from 25,000/- to Rs.50,000/- in view of the expenses incurred by the appellants to travel from Delhi to Hyderabad and back and thereafter to Orissa. The appellants are entitled to total compensation of Rs.10,25,056/- along with interest @ 9% per annum.

6. The appeal is allowed and the award amount is enhanced from 6,17,560/- to Rs.10,25,056/- along with interest @ 9% per annum.
7. The respondents are directed to deposit the award amount with UCO Bank, Delhi High Court Branch by means of cheque drawn in the name of UCO Bank A/c Basanti Lata Mahapatra within a period of 30 days.
8. Upon deposit of the aforesaid amount, UCO Bank, Delhi High Court Branch shall release 10% amount to the appellants No.1 and 2 in equal shares. The balance amount be kept in fixed deposit in the names of appellants No.1 and 2 in equal shares in five FDRs of equal amount for the period of 1 year, 2 years, 3 years, 4 years and 5 years.
9. The monthly interest on the FDRs of appellants No.1 and 2 shall be credited in their individual savings bank accounts.
10. At the time of maturity, the fixed deposit amount shall be automatically credited in the individual savings bank accounts of the beneficiaries/ appellants No.1 and 2.
11. All the original FDRs shall be retained by UCO Bank, Delhi High Court Branch. However, the photocopies of the same shall be provided to the claimants/ appellants No.1 and 2.
12. No cheque book or debit card be issued to the claimants/ appellants No.1 and 2 without permission of this Court.
13. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.
14. The claimants/ appellants No. 1 and 2 shall approach the UCO Bank for completing the formalities for the disbursement of the award amount in terms of this order.

15. UCO Bank, Delhi High Court Branch shall ensure that the savings bank accounts of appellants are individual accounts and not joint accounts.

16. Copy of this judgment be given *dasti* to learned counsels for the parties.

NOVEMBER 29, 2016
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J.R. MIDHA, J.

