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

Date of Decision: 16th February, 2016

+ **MAC APP. 408/2013**

BINA DEVI & ORS. Appellants

Through: Mr. Navneet Goyal, Adv.

versus

VISHAN DEV SINGH & ORS. Respondents

Through: Ms. Suman Bagga & Mr. Pankaj
Gupta, Advs. for R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. By judgment dated 28.08.2012 of the motor accident claims tribunal (the tribunal) in claim case arising out of detailed accident report (DAR) submitted by the SHO P.S. Fatehpur Beri in the context of first information report (FIR) no.15/2012, compensation in the sum of ₹33,77,800/- with interest at the rate of nine percent (9%) was granted in favour of the appellants (collectively claimants).

2. Though various contentions were pleaded in the memorandum of appeal at the hearing, the learned counsel for the appellants submits that the only issue pressed is concerning the award of non-pecuniary damages under the heads of loss of love & affection, funeral expenses, loss of estate and loss of consortium made payable at ₹25,000/-, ₹10,000/-, ₹10,000/- and

₹10,000/-respectively. The learned counsel for the respondent/insurance company fairly conceded that in view of the law laid down in *Rajesh & Ors. vs. Rajbir & Ors.*, (2013) 9 SCC 54 and *Shashikala V. Gangalakshmamma*, (2015) 9 SCC 150, the award under these heads needs to be enhanced.

3. Having regard to the view taken by the Hon'ble Supreme Court in the aforementioned cases, compensation on account of loss of love & affection and loss of consortium is increased to ₹1,00,000/- each and compensation on account of loss of estate and funeral expenses is increased to ₹25,000/- each. The net result of these increases is that compensation is to be increased by ₹1,95,000/-. Ordered accordingly. The increased compensation shall also carry interest as levied by the tribunal. The entire increased compensation shall fall to the share of the first appellant (widow) and shall be put in fixed deposit in her name in a nationalized bank for a period of ten years with right to draw monthly interest. As requested by the learned counsel for the insurance company, it is granted six weeks' time to deposit the enhanced compensation with the tribunal, whereupon the same shall be disbursed in terms of the impugned judgment as now modified.

4. The appeal is disposed of in above terms.

R.K. GAUBA
(JUDGE)

FEBRUARY 16, 2016

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