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

% **Date of Decision: 18th November, 2016**

+ **MAC.APP. 255/2009**

UNION OF INDIA Appellant
Through: Dr. Ashwani Bhardwaj, Adv.

versus

SUMITRA DEVI & ORS Respondents
Through: None

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.4,53,530/- has been awarded to respondents no.1 to 6.
2. Learned counsel for the appellant urged at the time of the hearing of the appeal that the deceased himself was negligent and therefore, the respondents are not entitled to any compensation. It is further submitted that the appellant conducted a Court of inquiry in which the driver of the offending vehicle was exonerated and deceased was held to be negligent. It is further submitted that the compensation awarded to respondents no.1 to 6 is on a higher side.
3. The accident dated 28th June, 2007 resulted in death of Prem Singh Aswal. The deceased was aged 55 years at the time of the accident and was survived by his widow, one son, two daughters and

parents who filed the claim petition before the Claims Tribunal. The Claims Tribunal took minimum wages of Rs.3,470/-, deducted 1/4th towards the personal expenses of the deceased and applied the multiplier of 11 to compute the loss as dependency as Rs.3,43,530/-. The Claims Tribunal awarded Rs.50,000/- towards loss of love and affection, Rs.50,000/- towards loss of consortium and Rs.10,000/- towards funeral expenses. Total compensation awarded is Rs.4,53,530/-.

4. The deceased was riding a bicycle which was hit by a military truck from behind. The Claims Tribunal has discussed the evidence in detail with respect to the finding of rash and negligence of the driver of the offending vehicle. There is no infirmity in the finding of the negligence by the Claims Tribunal.

5. With respect to the quantum of compensation, this Court is of the view that the compensation awarded to claimants/respondents no.1 to 6 is just, fair and reasonable and does not warrant any reduction.

6. The appeal is dismissed.

7. CM 7408/2009 is disposed of.

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

9. Copy of this judgment be given *dasti* to learned counsel for the appellant under signature of the Court Master.

J.R. MIDHA, J.

NOVEMBER 18, 2016

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