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

Date of Decision: 11th May, 2016

+ **MAC.APP. 502/2013**

NATIONAL INSURANCE CO LTD Appellant

Through: Mr. L K Tyagi, Adv.

versus

SANTOSH KUMAR SINGH & ORS Respondents

Through: Mr. Rajnish K Jha, Adv. for R-1 & 2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. The impugned judgment was passed by the motor accident claims tribunal (tribunal) on 15.02.2013 in accident claim case (MACT case No.1062/09/10) on the petition instituted by the first and second respondents (claimants) on account of death of Sumitra @ Poonam, (housewife) in motor accident claims tribunal (tribunal) that occurred on 17.03.2009 involving driving of truck bearing No.HR 63A 6777 (offending vehicle) admitted insured against third party risk with the appellant insurance company (insurer) for the period in question. The tribunal awarded compensation which includes ₹10,51,875/- calculated on the basis of assumed income of ₹4,127/- it being the minimum wages payable to a

non-matriculate on which 25% was added towards future prospects and the multiplier of 17 was applied.

2. The insurer questions the computation on the ground that there was no reason why future prospects should have been added and further that the personal & living expenses should have been deducted.

3. It is noted that the tribunal has followed the law laid down by learned Single Judge of this Court in case reported as *Royal Sundaram Alliance Insurance Co. Ltd. v. Manmeet Singh* 2012 ACJ 721. Since the method of computation adopted by the tribunal is in accord with the said judgment, the appeal is unmerited and liable to be dismissed.

4. The insurance company had been directed by order dated 28.05.2013 to deposit the entire awarded compensation within the period specified and out of the same 70% was allowed to be released, the balance kept in fixed deposit receipt with UCO Bank, Delhi High Court branch initially for a period of six months to be renewed periodically. The balance shall now be released to the claimant.

5. Statutory deposit, if made, shall be refunded.

6. The appeal is dismissed.

R.K. GAUBA
(JUDGE)

MAY 11, 2016
VLD