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

Date of Decision: 4th April, 2016

+ **MAC.APP. 437/2008**

KALLU

..... Appellant

Through Mr. S N Parashar, Adv.

versus

AMIT SHARMA & ANR

..... Respondent

Through Mr. Navdeep Singh and Mr. D D Singh, Advs. for R-2

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. Hira Lal, aged 40 years, died in a motor vehicular accident that occurred on 25.04.2006 involving Indica car bearing registration No.DL 9CC 6219 (offending vehicle) which was admitted insured against third party risk with the second respondent herein (insurer) for the period in question. The appellants (claimants), the dependent family members of Hira Lal, instituted an accident claim case (suit No.710/06) on 22.07.2006 before the motor accident claims tribunal (tribunal). It was decided after inquiry by judgment dated 25.02.2008 awarding compensation in the sum of ₹5,15,760/- with interest at 7.5% per annum with direction to the insurer to satisfy the award.

2. Though the appeal was preferred raising a number of contentions to seek enhancement, it is pressed only on two short grounds; namely, that the award under non-pecuniary heads of damages is inadequate and that rate of

interest (7.5% per annum) is unduly low.

3. Having heard the counsel on both sides the appeal is found to be raising valid contentions.

4. Following the view taken in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 and *Shashikala V. Gangalakshamma* (2015) 9 SCC 150, compensation in the sum of ₹1 lakh each on account of loss of love & affection and loss of consortium and ₹25,000/- each towards loss of estate and funeral expense are awarded. This would mean the total award stands enhanced by ₹2,20,000/-.

5. Following the consistent view taken by this Court [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.*], the rate of interest is increased to 9% per annum from the date of filing of the petition till realization.

6. The insurer is directed to deposit the amount payable further on account of increase in the compensation and rate of interest with the tribunal within 30 days of this order whereupon the said amount in entirety shall be released in favour of Smt. Kallu (first appellant/claimant), by deposit in her name in a fixed deposit in a nationalized bank for a period of seven years, with right to draw monthly interest.

7. The appeal is disposed of in above terms.

R.K. GAUBA
(JUDGE)

APRIL 04, 2016
VLD