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

Date of Decision: 18th April, 2016

\+ **MAC.APP. 745/2013**

BIBI JAGOON & ORS. ..... Appellants
Through: Mr. Anshuman Bal, Adv.

versus

UNIVERSAL SOMPO GEN. INS. CO. & ORS ..... Respondents
Through: Mr. Zorawar Singh & Mr. Rajat Khattry, Advs. for R-1.

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. By judgment dated 09.04.2013, the motor accident claims tribunal (tribunal) while upholding the case of the appellants (claimants) in their petition under Sections 166 and 140 of Motor Vehicles Act, 1988 (MV Act) registered as Suit No. 242/2011 about Mohd. Zamaluddin having died in a motor vehicular accident that had occurred on 17.12.2010 due to rash driving of motor vehicle described as Dumper bearing registration No. HR 38 Q 6978 (the offending vehicle), granted compensation in the sum of Rs. 26,05,192/-with interest @ 9% per annum from the date of filing of the petition, directed the third respondent (insurer) to pay, it having admittedly issued the insurance policy against third party risk for the period in question, the said amount inclusive of Rs. 10,000/- each towards funeral expenses,

loss of love & affection, loss of consortium and loss of estate respectively in addition to loss of dependency (Rs. 25,65,192/-). The sole ground pressed in the appeal by the claimants is that the awards under the non-pecuniary heads of damages are inadequate.

2. Following the view taken in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 and *Shashikala V. Gangalakshmamma* (2015) 9 SCC 150, compensation in the sum of Rs. 1 lakh each on account of loss of love & affection and loss of consortium and Rs. 25,000/- each towards loss of estate and funeral expense are added. Thus, the total compensation awarded is to be enhanced by Rs. 2,10,000/-. Ordered accordingly.

3. It is directed that the entire enhanced portion with proportionate interest shall be payable to the first appellant (claimant widow) to be released to her in the form of fixed deposit receipt to be kept in a nationalized bank for a period of five years with right to draw monthly interest.

4. The insurer is directed to satisfy the enhanced portion of the compensation by requisite deposit with the tribunal within 30 days whereupon it shall be released to the first claimant.

5. The appeal is disposed of in above terms.

R.K. GAUBA
(JUDGE)

APRIL 18, 2016
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