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

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Date of Decision: 06th December, 2016

+ **MAC.APP. 824/2012**

RELIANCE GENERAL INSURANCE CO. LTD. Appellant

Through: Mr. A.K. Soni and Mr. Pawan
Kumar, Advocates

Versus

SUMAN AND ORS. Respondents

Through: Mr. Peeush Sharma, Mr. Shaurya
Tomar and Mr. Kartikey Nayyar,
Advocates for respondent No.2 &
3

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.16,63,726/- has been awarded to respondents No.1 and 3.

2. The accident dated 25th June, 2009 resulted in the death of Surender Kumar. The deceased was aged 45 years at the time of the accident and was survived by his widow and two sons who filed the claim petition before the Claims Tribunal. The deceased was a practicing ayurvedic doctor. The Claims Tribunal took the income of the deceased as Rs.1,12,395/- per annum as per the Income Tax Return for the assessment year 2008-09, added 30% towards future prospects, deducted 1/3rd towards personal expenses and applied the

multiplier of 14 to compute the loss of dependency at Rs.13,63,726/-. The Claims Tribunal awarded Rs.1,50,000/- towards loss of love and affection, Rs.50,000/- towards loss of consortium, Rs.90,000/- towards loss of estate and Rs.10,000/- towards funeral charges. The total compensation awarded is Rs.16,63,726/-.

3. Learned counsel for the appellant urged at the time of hearing that the compensation awarded by the Claims Tribunal is exorbitant and liable to be reduced. It is further submitted that the Claims Tribunal has awarded the counsel's fee of Rs.50,000/- and out of pocket expenses of Rs.5,000/- without any justification.

4. This Court is of the view that the compensation awarded by the Claims Tribunal is just, fair and reasonable and does not warrant any reduction. However, the direction of the Claims Tribunal to pay the legal fees and out of pocket expenses is set aside.

5. The appeal is partially allowed to the extent of setting aside of the counsel fee and out of pocket expenses of Rs.55,000/-.

6. The appellant has deposited the award amount with UCO Bank, Delhi High Court Branch in terms of order dated 30th July, 2012. UCO Bank, Delhi High Court Branch is directed to release a sum of Rs.1 lakh to respondent No.1, Rs.50,000/- to respondent No.2 and Rs.50,000/- to respondent No.3 by transferring the said amount to their savings bank accounts.

7. The balance amount be kept in fixed deposit in the following manner:

Sr.	Duration of	<u>Resp. 1</u>	<u>Resp. 2</u>	<u>Resp. 3</u>
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No.	FDR	Wife (60%)	Son (20%)	<u>Son</u> (20%)
1.	1 year	6%	4%	4%
2.	2 years	6%	4%	4%
3.	3 years	6%	4%	4%
4.	4 years	6%	4%	4%
5.	5 years	6%	4%	4%
6.	6 years	6%	-	-
7.	7 years	6%	-	-
8.	8 years	6%	-	-
9.	9 years	6%	-	-
10.	10 years	6%	-	-
TOTAL		60%	20%	20%
GRAND TOTAL				100%

8. The respondents shall intimate the particulars of their savings bank accounts to UCO Bank, Delhi High Court Branch.

9. The monthly interest on the FDRs of respondents shall be credited in their individual savings bank accounts near the place of their residence.

10. At the time of maturity, the fixed deposit amount shall be automatically credited in the savings bank accounts of the beneficiaries near the place of their residence.

11. All the original FDRs shall be retained by UCO Bank, Delhi High Court Branch. However, the photocopies of the same shall be provided to the claimants/respondents.

12. No cheque book or debit card be issued to the

claimants/respondents without permission of this Court.

13. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

14. The claimants/respondents shall approach the UCO Bank for completing the formalities for the disbursement of the award amount in terms of this order.

15. UCO Bank, Delhi High Court Branch shall ensure that the savings bank accounts of respondents are individual accounts and not joint accounts.

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

17. *Dasti.*

DECEMBER 06, 2016
rsk

J.R. MIDHA, J.