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

Date of Decision: 15th March, 2016

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MAC.APP. 890/2012

CHANDER MOHAN PRASHAD SINGH & ANR Appellants

Through: Mr. Mohd. Ainul Ansari, Adv.

versus

JITENDER GAUR & ORS

..... Respondents

Through: Mr. Manoj Bhandari, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. Anupam Singh, an unmarried girl, aged 25 years, died in a motor vehicular accident that occurred at about 08:30 AM, on 20.11.2007 when the motorcycle bearing registration no.DL-6SX-7775 (the motorcycle) on which she was travelling was hit by a truck bearing registration no.HR-38D-7735 (the offending vehicle) from the rear side. Her parents brought claim petition on 11.07.2008 before the motor accident claims tribunal (the tribunal) where it was registered as suit no.635/2011 (2008). In the claim petition, besides the driver and owner of the offending vehicle, National Insurance Co. Ltd. (third respondent) was impleaded. The tribunal held inquiry and, by judgment dated 30.01.2012, awarded compensation in the sum of ₹3,62,640/- with interest in favour of the claimants (appellants) which included ₹10,000/- each under heads of funeral expenses, loss of

estate and loss of love & affection besides the amount calculated towards loss of dependency. The insurance policy was admitted and there was no case made out for breach of terms and conditions thereof. Thus, the insurance company (third respondent) was asked to pay.

2. The appeal was filed raising several issues with regard to the calculation of compensation but at the hearing the learned counsel for the claimants submitted that the appeal is pressed restricted to the grievances that the award under non-pecuniary heads of damages is inadequate. This contention is found to be correct. Following the view taken in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 and *Shashikala v. Gangalakshamma* (2015) 9 SCC 150, the award on account of loss of love & affection is increased ₹1,00,000/- and award on account of on account of funeral expenses and loss of estate are increased to ₹25,000/- each. In the result, the compensation awardable in the case would stands increased by ₹1,20,000/-. Needless to add, it shall carry interest as levied by the tribunal.

3. In the given facts and circumstances, the entire enhanced portion with up-to-date interest shall be payable to the second respondent (the mother).

4. The insurance company is directed to deposit the enhanced portion of the compensation with up-to-date interest with the tribunal within 30 days whereupon it shall be released.

5. The appeal is disposed of in above terms.

6. A copy of this order be given dasti.

R.K. GAUBA
(JUDGE)

MARCH 15, 2016
ssc