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

Date of Decision: 27.05.2016

\+ **MAC.APP. 794/2014**

UNITED INDIA INSURANCE CO. LTD

..... Appellant

Through Mr. Amit Gaur, Adv.

versus

RAM KHILARI & ORS

..... Respondent

Through Mr. Amit Kumar Pandey, Adv. for R-1 to 4

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

JUDGMENT

R.K.GAUBA, J (ORAL):

1. The case (suit No.86/14) before the motor accident claims tribunal (tribunal), presented by the first to fourth respondents (claimants) on 03.03.3014 was on account of death of Ram Beti, a housewife died in motor vehicular accident that took place on 03.02.2014 involving negligent driving of bus bearing registration No.DL 1PC 8061 of Delhi Transport Corporation (DTC), admittedly insured against third party risk with the appellant insurance company (insurer).

2. The tribunal awarded compensation of ₹14,02,176/- with interest at 9% per annum in favour of the claimants, following the law laid down by

this Court in *Royal Sundaram Alliance Insurance Company Ltd. v. Manmeet Singh* 2012 ACJ 721. The only grievance raised by the appellant in this appeal is that the inclusion of non-pecuniary heads of damages as per dictum in *Rajesh v. Rajbir Singh* 2013 (6) SCALE 563 was improper.

3. This Court finds no merit in the appeal. The law laid down by the Supreme Court in *Rajesh v. Rajbir* Singh is binding.

4. The appeal is dismissed.

5. By order dated 11.09.2014, the insurance company had been directed to deposit the entire awarded amount with accumulated interest out of which 75% was allowed to be released, the balance kept in fixed deposit receipt. The Registrar General shall now issue necessary directions for balance held to be released.

6. The statutory deposit, if made, shall be refunded.

(R.K. GAUBA)
JUDGE

MAY 27, 2016
VLD