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

% **Date of Decision: 28th November, 2016**

\+ MAC.APP. 928/2013

RELIANCE GENERAL INSURANCE CO LTD..... Appellant
Through: Ms. Suman Bagga and Mr. Pankaj Gupta, Advs.

versus

SMT JAGROSHNI & ORS ..... Respondents
Through: Mr. Anshuman Bal, Advs. for R1 to R5.
Mr. Ishaan Aggarwal, proxy counsel for SBI with Mr. B.N. Nigam from SBI Bank.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby the compensation of Rs.31,43,808/- has been awarded to respondents No.1 to 5.

2. The accident dated 09th April, 2007 resulted in the death of Raj Pal Singh. The deceased was aged 56 years 6 months at the time of the accident and was working as a Manager with State Bank of India at the time of the accident. The deceased was survived by his widow, two sons and two daughters who filed the claim petition before the Claims Tribunal.

3. The Claims Tribunal took the income of deceased as Rs.26,427/-per month, added 15% towards future prospects, deducted

1/4th towards personal expenses and applied the multiplier of 11 to compute the loss of dependency as Rs.30,08,808/-. The Claims Tribunal awarded Rs.1,00,000/- towards loss of consortium, Rs.10,000/- towards loss of estate and Rs.25,000/- towards funeral expenses. The total compensation awarded is Rs.31,43,808/- along with interest @ 7.5% per annum.

4. Learned counsel for the appellant urged at the time of the hearing that the appropriate multiplier at the age of 56 years is 9 whereas Claims Tribunal applied multiplier of 11 and, therefore, the multiplier be reduced from 11 to 9. It is further submitted that the deceased was aged 56 years and, therefore, no future prospects be taken into consideration. It is further submitted that the personal expenses be increased from 1/4th to 1/3rd.

5. Learned counsel for respondents No.1 to 5 submits that the income of the deceased at the time of superannuation would have been more than Rs.50,000/- and, therefore, the future prospects be applied according to the salary which deceased would have drawn at the time of superannuation. It is further submitted that the Claims Tribunal has not awarded compensation towards loss of love and affection. It is further submitted that the Claims Tribunal awarded interest @ 7.5% whereas the Supreme Court as well as this Court are consistently awarding interest @ 9% per annum.

6. Vide order dated 04th October, 2016, Court notice was issued to the Manager, State Bank of India to produce the service record of Late Raj Pal Singh and certify the age of the deceased and salary which the deceased would have drawn on the age of superannuation.

7. Mr. Bharamanad Nigam, Chief Manager of State of Bank of India, Kavi Nagar, Ghaziabad is present in Court and has handed over the documents duly attested by him with respect to the age of the deceased as well as the salary which the deceased would have drawn at the time of superannuation. The Manager states that he has prepared the documents from the official documents on record of the bank. The documents are taken on record and are marked as Ex.C1(collectively). As per the documents Ex.C1, the age of the deceased at the time of the accident was 56 years 6 months and he would have drawn a salary of Rs.50,173.27 on superannuation in October, 2010. If the income of the deceased is taken as Rs.50,173,27/-, 1/3rd is deducted towards his personal expenses and multiplier of 9 is applied, the loss of dependency would be more than Rs.30,80,808/- awarded by the Claims Tribunal. In that view of the matter, no reduction is warranted even if all the contentions of the appellant are accepted. Respondents No.1 to 5 are not seeking any enhancement.

8. This Court is satisfied with the compensation awarded by the Claims Tribunal is just, fair and reasonable. The appeal is therefore dismissed.

9. The appellant has deposited the entire award amount with the Registrar General of this Court out of which 60% amount has been released to respondents No.1 to 5.

10. List for disbursement of the balance award amount on 08th December, 2016 at 12.30 P.M.

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

12. Copy of this judgment be given *dasti* to learned counsels for the parties.

NOVEMBER 28, 2016 **J.R. MIDHA, J.**

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