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

Date of Decision: 23rd March, 2016

+ **MAC.APP. 144/2012**

SHARMILA BHALLA

..... Appellant

Through

Mr. Sumant De, Mr. A K Mehta and
Mr. Rohit Khurana, Advs.

versus

NIRANJAN GIRI & ORS

..... Respondent

Through

Mr. Shoumik Mazumdar, Adv. for
Mr. J P N Shahi, Adv. for R-3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT

R.K.GAUBA, J (ORAL):

1. The appellant's son Varun Bhalla, then 18 years old, student of Hotel Management Institute at Pusa suffered death on account of injuries sustained in a motor vehicular accident that occurred on 07.08.2003 involving motor vehicle described as DL 1PA 5908 (offending vehicle) which was admittedly insured against third party risk with the respondent (insurer). The claim petition under Sections 166 and 140 of Motor Vehicles Act, 1988 (M V Act) was brought on 05.05.2004 and decided by the motor accidents claims tribunal (tribunal), by judgment dated 07.05.2010, awarding compensation in the sum of Rs.6,92,000/- with interest at 8% per annum from the date of filing of petition till realization which included loss of dependency besides Rs.10,000/- each towards love & affection and funeral expenses.

2. Though the appeal was presented to raise a number of contentions, at the hearing it is pressed only for increase in the compensation under the non-pecuniary heads of loss of love & affection and funeral expenses, also claiming compensation for loss of estate, besides increase in the rate of interest.

3. There is substance in the grievance with regard to non-pecuniary heads of damages and rate of interest. Following the view taken in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 and *Shashikala V. Gangalakshamma* (2015) 9 SCC 150, compensation under the heads of loss of love & affection and funeral expenses are increased to ₹1,00,000/- and 25,000/- respectively; in addition to ₹5,000/- for loss of estate.

4. Following the consistent view taken by this Court [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.*], the rate of interest is increased to 9% per annum from the date of filing of the petition till realization.

5. In the result, the compensation would stand increased by Rs.1,30,000/-. The counsel for the appellant concedes that the award granted by the tribunal has already been satisfied.

6. The insurer is directed to pay the enhanced portion of the award with up-to-date interest with the tribunal within 30 days whereupon it shall be released to the claimant.

7. The appeal with applications is disposed of in above terms.

R.K. GAUBA
(JUDGE)

MARCH 23, 2016
VLD