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

% **Date of Decision:18th October, 2016**

\+ MAC.APP. 640/2016 & CM No.29816/2016 (Stay)

UNITED INDIA INSURANCE COMPANY LIMITED .... Appellant

Through: Mr. Amit Kumar Singh, Advocate

Versus

SUBHADRA@DEEPA & ORS ..... Respondents

Through: Mr. R.P.S. Bhatti and Mr. S.S. Rathi, Advocates

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.23,15,600/- has been awarded to claimants/respondents No.1 to 4.

2. The accident dated 3rd February 2013 resulted in the death of Pappu Kumar. The deceased was aged 41 years at the time of the accident and was working as a driver on contract basis earning Rs.12,000/- per month. The deceased was survived by his wife and three minor children, who filed the claims petition before the Claims Tribunal. The Claims Tribunal added 30% towards future prospects of the deceased, deducted 1/4th towards personal expenses and applied the multiplier of 14. The Claims Tribunal awarded Rs.1 lakh towards loss of love and affection, Rs.1 lakh towards loss of consortium, Rs.1

lakh towards loss of estate and Rs.50,000/- towards funeral expenses. Total compensation awarded is Rs.23,15,600/-.

3. Learned counsel for the appellant urged at the time of hearing of appeal that the future prospects should not be taken into consideration and the compensation awarded under the heads of love and affection, consortium and estate be reduced.

4. On careful consideration of the submissions made by learned counsel for the appellant, the Court is of the view that the compensation awarded by the Claims Tribunal is just, fair and reasonable. The Claims Tribunal has rightly awarded the future prospects @ 30% to the respondents. The compensation awarded under the heads of loss of love and affection, consortium and estate are also just, fair and reasonable.

5. The appeal is dismissed. The appellant has deposited Rs.26,13,479/- with UCO Bank, Delhi High Court branch in terms of order dated 17th August 2016.

6. UCO Bank, Delhi High Court branch is directed to keep a sum of Rs.25 lakhs in fixed deposit in the following manner:-

Sr. No.	**Duration of FDR**	**Resp. 1 Subhadara (Wife) FDR amount (Rs.)**	**Resp. 2 Sumit (Son) FDR amount (Rs.)**	**Resp. 3 Soniya (Daughter) FDR amount (Rs.)**	**Resp. 4 Mayank (Son) FDR amount (Rs.)**
1.	1 yr	**1,00,000/-**	Rs.5,00,000/- be kept in FDR till he attains the age of majority. On attaining majority, Rs.1,00,000/- shall be released and balance	Rs.5,00,000/- be kept in FDR till she attains the age of majority. On attaining majority Rs.1,00,000/- shall be released and balance Rs.4,00,000/- be kept	Rs.5,00,000/- be kept in FDR till he attains the age of majority. On attaining majority Rs.1,00,000/- shall be released and balance Rs.4,00,000/- be kept
2.	2 yrs	**1,00,000/-**			
3.	3 yrs	**1,00,000/-**			
4.	4 yrs	**1,00,000/-**			
5.	5 yrs	**1,00,000/-**			

6.	6 yrs	**1,00,000/-**	Rs.4,00,000/- be kept in 4 FDRs of equal amount for a period of 1 year, 2 years, 3 years and 4 years.	in 4 FDRs of equal amount for a period of 1 year, 2 years, 3 years and 4 years.	in 4 FDRs of equal amount for a period of 1 year, 2 years, 3 years and 4 years.
7.	7 yrs	**1,00,000/-**			
8.	8 yrs	**1,00,000/-**			
9.	9 yrs	**1,00,000/-**			
10.	10 yrs	**1,00,000/-**			
TOTAL		**10,00,000/-**	**5,00,000/-**	**5,00,000/-**	**5,00,000/-**
GRAND TOTAL					**25,00,000/-**

7. The balance amount, after keeping Rs.25 lakhs in fixed deposit, be released to respondent No.1 by transferring the said amount in savings bank account No.20780110097410, UCO Bank, Karkardooma Court Branch, Delhi.

8. The monthly interest on all the FDRs shall be paid to respondent No.1 by transferring the said amount to her individual savings bank account.

9. At the time of maturity, the fixed deposit amount shall be automatically credited in the savings bank accounts of the claimants/beneficiaries.

10. 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 respondent No.1.

11. No cheque book or debit card be issued to the respondent No.1 without permission of this Court.

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

13. The respondent No.1 shall approach the UCO Bank for completing the formalities for the disbursement of the award amount

in terms of this order.

14. UCO Bank, Delhi High Court Branch shall ensure that the savings bank account of respondent No.1 is individual account and not joint account.

15. Respondent No.1 is at liberty to approach this Court for release of further amount in case of any financial exigency.

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

17. CM No.29816/2016 is disposed of.

18. Copy of this judgment be given *dasti* to counsels for the parties under signatures of the Court Master.

OCTOBER 18, 2016 **J.R. MIDHA, J.**

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