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

% **Date of Decision: 07th December, 2016**

+ MAC.APP. 678/2015 & CM No.17108/2015

27 RELIANCE GENERAL
INSURANCE CO LTD

..... Appellant

Through: Ms. Shantha Devi Raman and
Mr. Arbaaz Hussain, Advs.

versus

REENA & ORS

..... Respondents

Through: Mr. Anshuman Bal, Adv. for
R1 to R4.

+ MAC.APP. 945/2016

28 REENA & ORS

..... Appellants

Through: Mr. Anshuman Bal, Adv.

versus

RELIANCE GENERAL
INSURANCE CO LTD & ORS

..... Respondents

Through: Ms. Shantha Devi Raman and
Mr. Arbaaz Hussain, Advs.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

CM No.28863/2015

1. Issue notice. Learned counsel for the appellant accepts notice.
2. The application is allowed and name of respondent No.4 is deleted from the array of parties. Amended memo of parties is taken on record.

MAC.APP.945/2016 and MAC.APP.678/2015

1. The parties have challenged the award of the Claims Tribunal

whereby compensation of Rs.19,98,642/- has been awarded to the legal representatives of Kuldeep @ Mahesh Chand.

2. The accident dated 05th July, 2012 resulted in the death of Kuldeep @ Mahesh Chand. The deceased was aged 20 years at the time of accident and was survived by his widow, one son, one daughter and parents who filed the claim petition before the Claims Tribunal. The deceased was working as a cleaner on the offending vehicle. The Claims Tribunal took the minimum wages of Rs.8,528/-, deducted 1/5th towards personal expenses and applied the multiplier of 18 to award Rs.14,73,642/- as loss of dependency. The Claims Tribunal awarded Rs.3,00,000/- towards loss of love and affection, Rs.1,00,000/- towards loss of consortium, Rs.1,00,000/- towards loss of estate and Rs.25,000/- towards funeral expenses. The total compensation awarded is Rs.19,98,642/-.

3. Learned counsel for the Insurance company urged at the time of hearing that the personal expenses of deceased be enhanced from 1/5th to 1/4th and the compensation under the heads of loss of love and affection be reduced from Rs.3,00,000/- to Rs.1,00,000/- and compensation under the head of loss of estate be reduced from Rs.1,00,000/- to Rs.10,000/-. Learned counsel for the claimants seek enhancement of the award amount on the ground that the 50% be added on the minimum wages on account of inflation.

4. There is merit in the contentions urged by the learned counsels for both the parties. Taking the minimum wages of Rs.8,528/- per month income of the deceased, adding 50% towards inflation, deducting 1/4th towards personal expenses and applying the multiplier of 18, the loss of dependency is computed as Rs.20,72,304/-. The

compensation under the heads of loss of love and affection is reduced from Rs.3,00,000/- to Rs.1,00,000/-, compensation under the head of loss of estate is reduced from Rs.1,00,000/- to Rs.25,000/-. Adding Rs.1,00,000/- towards consortium and Rs.25,000/- towards funeral expenses, the total compensation is computed as Rs.23,22,304/-.

5. Both the appeals are allowed and the award amount is enhanced from Rs.19,98,642/- to Rs.23,22,304/- along with interest @ 9% per annum w.e.f. 1st August, 2012 till realization.

6. The enhanced amount be deposited by the insurance company with UCO Bank, Delhi High Court Branch by means of a cheque drawn in the name of UCO Bank A/c Reena within 30 days. The UCO Bank shall keep the said amount in fixed deposit till further orders.

7. The Insurance company has deposited Rs.25,64,650/- with the Registrar General of this Court in terms of the order dated 26th August, 2015 out of which 50% has been released and the balance amount is lying in fixed deposit.

8. The Registrar General is directed to instruct UCO Bank, Delhi High Court Branch to release a sum of Rs.75,000/- to respondent No.1 by transferring the same to her savings bank account No.35017789789 with State Bank of India, Kootpootly, Behind Old Bus Stand, Kootpootly Distt., Jaipur – 303108. The balance amount be retained by fixed deposit and the appropriate order shall be passed on the next date of hearing.

9. The statutory amount be refunded back to the insurance company after deposit of the enhanced award amount.

10. List on 10th January, 2017 at 02.30 P.M.

11. The claimants shall remain present in Court on the next date of

hearing.

12. Copy of this judgement be given *dasti* to learned counsels for the parties under signature of Court Master.

DECEMBER 07, 2016
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J.R. MIDHA, J.

