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

% **Date of Decision: 08th September, 2016**

\+ MAC.APP. 583/2015 & C.M. No.13267/2015

RELIANCE GENERAL INSURANCE CO LTD ..... Appellant
Through: Mr. Rajeev M. Roy, Adv.

versus

SEEMA & ORS ..... Respondents
Through: Mr. Sanjeev Chauhan, Adv. for R1 to R4.

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.13,14,000/- along with interest @ 9% per annum has been awarded to claimants/respondents No.1 to 4.

2. The accident dated 30th July, 2007 resulted in the death of Manoj. The deceased was aged 34 years at the time of the accident and was survived by his widow, one minor son, one minor daughter and mother who filed the claim petition before the Claims Tribunal. The deceased was working as a driver with Delhi Jal Board earning Rs.4,000/- per month. The widow of the deceased appeared in the witness box as PW-1 to prove the occupation of the deceased. PW-3 from Delhi Jal Board proved the appointment letter and salary certificate of the deceased as Ex.PW3/A and Ex.PW3/B. PW-4 from Delhi Jal Board produced the record of the salary of four other persons appointed along with the deceased Manoj Kumar who were drawing salary to the tune of Rs.13,000/- in 2009.

3. The Claims Tribunal took the income of the deceased as Rs.4,000/-, added 50% towards future prospects, deducted 1/4th towards personal expenses and applied the multiplier of 16 to award compensation of Rs.8,64,000/-. The Claims Tribunal awarded Rs.1,00,000/- to each of the four claimants towards the loss of love and affection, Rs. 20,000/- towards the loss of estate and Rs.20,000/- towards funeral expenses. The total compensation of Rs.13,14,000/- has been awarded by the Claims Tribunal.

4. The learned counsel for the appellant urged at the time of hearing of the appeal that the future prospects should not be awarded to the claimants. There is no merit in this contention of the appellant. The occupation and income of the deceased has been proved by the claimants. The deceased was professional driver working with Delhi Jal Board drawing a salary of Rs.4,000/- per month. The deceased was aged 34 years at the time of the accident and in normal course, the deceased would have served for another 26 years. Even if we do not take the future prospects of promotion to which deceased was entitled, the actual pay revision taken effect from 2007 to 2033 years, the pay of deceased would be more than double. In ***New India Assurance Company Limited*** v. ***Gopali and Others***, (2012) 12 SCC 198 and ***Vimal Kanwar and Others*** v. ***Kishore Dan and Others***, (2013) 7 SCC 476, the Supreme Court determined the compensation by granting 100% increase in the income of the deceased.

5. Learned counsel further submits that compensation for loss of love and affection is on a higher side. In view of lower future prospects taken by the Claims Tribunal, the amount awarded by the Claims Tribunal towards love and affection of Rs.1,00,000/- to each of the four claimants does not warrant interference. There is no merit in this appeal which is hereby dismissed.

6. The appellant has deposited entire award amount with the Registrar General of this Court in terms of the order dated 28th July, 2015 which is lying in fixed deposit.

7. The Registrar General is directed to instruct UCO Bank, Delhi High Court Branch to keep a sum of Rs.22,00,000/- in fixed deposit in the following manner:-

<table>
<tr><th>Sr. No.</th><th>Duration of FDR</th><th><u>Resp. 1</u>
(Widow)
FDR amount
(Rs.)</th><th><u>Resp. 2</u>
(Daughter)
FDR amount
(Rs.)</th><th><u>Resp. 3</u>
(Son)
FDR amount
(Rs.)</th><th><u>Resp. 4</u>
Mother
FDR amount
(Rs.)</th></tr>
<tr><td>1.</td><td>1 yr</td><td>80,000/-</td><td rowspan="10">Rs.5,00,000/-of the amount 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 in 4 FDRs of equal amount for a period of 1 year, 2 years, 3 years and 4 years.</td><td rowspan="10">Rs.5,00,000/-of the amount 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 in 4 FDRs of equal amount for a period of 1 year, 2 years, 3 years and 4 years.</td><td>1,00,000/-</td></tr>
<tr><td>2.</td><td>2 yrs</td><td>80,000/-</td><td>1,00,000/-</td></tr>
<tr><td>3.</td><td>3 yrs</td><td>80,000/-</td><td>1,00,000/-</td></tr>
<tr><td>4.</td><td>4 yrs</td><td>80,000/-</td><td>1,00,000/-</td></tr>
<tr><td>5.</td><td>5 yrs</td><td>80,000/-</td><td>-</td></tr>
<tr><td>6.</td><td>6 yrs</td><td>80,000/-</td><td>-</td></tr>
<tr><td>7.</td><td>7 yrs</td><td>80,000/-</td><td>-</td></tr>
<tr><td>8.</td><td>8 yrs</td><td>80,000/-</td><td>-</td></tr>
<tr><td>9.</td><td>9 yrs</td><td>80,000/-</td><td>-</td></tr>
<tr><td>10.</td><td>10 yrs</td><td>80,000/-</td><td></td></tr>
<tr><td colspan="2">TOTAL</td><td>8,00,000/-</td><td>5,00,000/-</td><td>5,00,000/-</td><td>4,00,000/-</td></tr>
<tr><td colspan="5">GRAND TOTAL</td><td>22,00,000/-</td></tr>
</table>

8. UCO Bank shall release the balance amount, after issuing FDRs for Rs.22 lakh, to respondents No.1 and 4 in equal shares by transferring the same to their individual savings bank accounts.

9. Monthly interest on the FDRs of respondents No.1, 2 & 3 shall be credited in the individual savings bank account of respondent No.1 and the monthly interest on the FDR of respondent No.4 shall be credited in her individual savings bank accounts.

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

11. 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 claimants/beneficiaries.

12. No cheque book or debit card be issued to the claimants/respondents without permission of this Court.

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

14. The claimants/respondents shall approach the UCO Bank for completing the formalities for the disbursement of the award amount in terms of this order.

15. UCO Bank, Delhi High Court Branch shall ensure that the savings bank accounts of respondents are individual accounts and not joint accounts.

16. The respondents are at liberty to approach this Court for release of further amount in case of any financial exigency.

17. C.M. No.13267/2015 is disposed of.

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

J.R. MIDHA, J.

SEPTEMBER 08, 2016
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