

\$~21

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

+ MAC.APP. 57/2016

RAJESH DEVI & ORS Appellants
Through: Mr. Anshuman Bal, Adv.

versus

UNITED INDIA INSURANCE CO LTD & ORS Respondents
Through: Mr. Shoumik Mazumdar, Adv. for
R-1

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

ORDER

% **31.08.2016**

1. The appellant has challenged the award whereby compensation of Rs.14,89,232/- have been awarded to the appellants. The accident dated 6th April, 2012 resulted in the death of Mahindra, aged 25 years. The deceased was survived by his widow, three minor children and mother who filed the claim petition before the Claims Tribunal. The deceased was in private service. However, in the absence of any proof of occupation or income, the Claims Tribunal took minimum wages of Rs.5,161.45, added 50% towards future prospects, deducted 1/4th towards personal expenses, applied the multiplier of 18, added Rs.1,00,000/- towards loss of love and affection, Rs.1,00,000/- towards loss of consortium, Rs.10,000/- towards loss of estate and Rs.25,000/- towards funeral expenses. Total compensation awarded is Rs.14,89,232/-.

2. Learned counsel for the appellant submits that the Claims Tribunal ought to have taken the income of the deceased as Rs.10,000/- per month instead of minimum wages of Rs.5,161.45. Since no evidence was led by the appellant with respect to the occupation or income of the deceased, the

Claims Tribunal was justified in taking minimum wages into consideration.

3. This Court is of the view that just, fair and reasonable compensation has been awarded to the appellant and the award does not warrant any enhancement.

4. The appeal is dismissed.

J.R. MIDHA, J.

AUGUST 31, 2016

dk