

RA-CR-189-CII-2017 in FAO No.4539 of 2011

SURESH AND OTHER VS RAM SUDARSHAN GIRI AND OTHERS

Present:- Mr.R.C.Kapoor, Advocate, for
the applicant/respondent-Insurance Company.

Mr.J.S.Saneta, Advocate, for the appellants.

Notice of application.

Mr.J.S.Saneta, Advocate, who has appeared for counsel for the appellants, accepts notice on behalf of them.

By way of this application, the respondent/Insurance Company is seeking review of the order dated 19.07.2017 on the ground that the age of the deceased was 12 years on the basis of his date of birth (15.04.1998) mentioned in para 19 of the Award. However, this fact is liable to be rejected as counsel for the appellant has produced the photocopy of the High School Examination Certificate in which the date of birth of the deceased-Govind was mentioned as 15.04.1991. This was exhibited as Ex.P-6

Learned counsel for the applicant/respondent-Insurance Company submits that this Court has wrongly awarded Rs.3,00,000/- for loss of love and affection to parents and 2 minor brothers and 2 minor sisters whereas as per settled law by Hon'ble Supreme Court in **Rajesh and others Vs. Rajbir and others 2013 ACT 1403**, only Rs. 1,00,000/- is to be awarded for loss of love and affection to all the claimants.

In view of the above, the application is being modified to the extent that Rs.2 Lacs had been granted to the 2 brothers and 2 sisters on account of future prospects is being deleted from the heads of compensation mentioned in the order dated 19.07.2017 where, the enhanced amount has been reassessed, in view of the judgment in the case of **Rajesh and others (supra)**.

Disposed of accordingly.

(RITU BAHRI)
JUDGE

07.11.2017
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