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

Decided on: 05th September, 2017

\+ MAC APPEAL 24/2010 and CM 1176/2010

GAURI DEVI & ORS ..... Appellants
Through: Mr. S.N. Parashar, Advocate

versus

GHANSHYAM SINGH & ORS. ..... Respondents
Through: Mr. L.K. Tyagi, Adv. for R-3

CORAM:
HON'BLE MR. JUSTICE R.K.GAUBA

<u>JUDGMENT (ORAL)</u>

1. In the accident claim case (suit no.485/2002) instituted on 17.09.2002 by the appellants, the Motor Accident Claims Tribunal (Tribunal), by judgment dated 23.09.2008, awarded compensation in the total sum of Rs.4,96,000/- on account of death of Chander Shekhar Sharma in a motor vehicular accident that occurred on 30.08.2002 due to the negligent driving of Toyota Qualis car bearing registration no.DL-3CS-5356 admittedly insured against third party risk with the third respondent /insurer on which the liability to pay was fastened. The said amount of compensation includes Rs.5,000/- towards funeral charges, Rs.20,000/- towards loss of consortium and Rs.20,000/- towards loss of love and affection, there being no award under the head of loss to estate.

2. The appeal by the claimants seeks award under the non-pecuniary heads of damages to be appropriately enhanced.

3. Having regard to the date of the accident, the awards are indeed found to be inadequate. Following the rulings in *Rajesh & Ors. v. Rajbir Singh & Ors., (2013) 9 SCC 54 and Shashikala V. Gangalakshmamma (2015) 9 SCC 150*, instead of the awards granted by the tribunal, compensation in the sum of Rs.1,00,000/- each towards loss of consortium and loss of love and affection and Rs.25,000/- each towards funeral charges and loss to estate are granted. This would result in net increase in the award by a sum of Rs.2,05,000/- (Rupees Two Lakh and five thousand only). Ordered accordingly. Needless to say, it shall carry interest at the rate of 9% p.a., as levied by the tribunal.

4. It is directed that the entire enhanced portion of the award with corresponding interest shall fall to the share of the first appellant Gauri Devi / widow, it to be released in her favour in the form of a fixed deposit receipt in a nationalized bank taken out for a period of seven years with right to draw monthly interest.

5. The third respondent /insurer is directed to satisfy the enhanced award by requisite deposit with the tribunal within 30 days making it available to be released.

6. The appeal and the pending application are disposed of in above terms.

R.K.GAUBA, J.

SEPTEMBER 05, 2017
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