

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

Date of Reserve: May 17, 2010

Date of Order: June 1, 2010

MAC. APP. 73/2009

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01.06.2010

KUMAR STEEL INC.

... Petitioner

Through: Mr. Sumit Gupta, Advocate

Versus

IFFCO TOKIO GEN INS. CO. LTD. & ORS

... Respondents

Through:

JUSTICE SHIV NARAYAN DHINGRA

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

1. During pendency of this appeal, this Court considered that the LR/dependents of deceased were liable to receive at least the compensation under the Workmen Compensation Act out of the amount already deposited by the appellant.

2. It seems to be a case where deceased was working with the appellant and he got killed while driving the scooter owned by the appellant company. Evidently, the deceased was going for some work of the company, otherwise the company would not have provided him a

scooter. The age of the deceased was 28 years. His annual salary has been mentioned as Rs. 39,000/- on the date of accident which is less than minimum wages of a person. I consider that the deceased was liable to draw minimum wages at the time of accident.

3. The proper principle amount under the Workmen Compensation Act payable to the LRs of deceased would be Rs. 211.79 x 1795 = Rs. 3,80,163/-. The injured died on 28th November, 2005. The LRs of deceased have not received any amount so far and I consider that they would be entitled to a reasonable interest on this amount, say, 10% per annum. Thus, the total amount under the Workmen Compensation Act, without penalty would be Rs. 3,80,163/- + Rs. 1,71,000/- = Rs. 5,50,000/- (approximately). I, therefore, direct that out of the amount deposited by the appellant, a sum of Rs. 5,50,000/- be released in favour of the claimants forthwith by the Registrar General of this Court.

List this matter in the category of “Regular Matters” at its own turn.

June 1, 2010
acm

SHIV NARAYAN DHINGRA, J.