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

Decided on: 10th October, 2017

+ **MAC APPEAL No. 219/2011**

RELIANCE GENERAL INSURANCE CO. LTD Appellant
Through: **Mr. Arun Yadav, Adv.**

versus

RAMESHWAR PRASAD & ORS. Respondent
Through: **None.**

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

JUDGMENT (ORAL)

1. The appeal challenges judgment dated 23.12.2010 of the motor accident claims tribunal in accident claim case (MACT No. 126/2010) instituted by first and second respondents (collectively, the claimants), whereby compensation in the sum of Rs. 4,52,000/- has been awarded with interest, the liability having been fastened against the appellant insurance company, the finding returned being that Narinder Singh Kithoria @ Atul, a bachelor son of the first respondent, and junior sibling of the second respondent, had died due to negligent driving of truck bearing registration no. HR 38L 2137 admittedly insured against third party risk with the appellant insurance company.

2. The challenge by the insurance company is that the second respondent was the elder brother of the deceased, who was well-settled in life and that the father (first respondent) was also earning his

livelihood, he being an employee of UP Electricity Board. It is noted that the tribunal has granted the award towards loss to estate and not loss of dependency, taking into account the fact that the deceased was a bachelor, the income having been notionally assessed with the help of minimum wages. In these circumstances, the impugned judgment does not call for interference.

3. The appeal is dismissed.
4. By order dated 24.03.2011, the insurance company had been directed to deposit the entire awarded amount and out of such deposit 75% was allowed to be released to the claimants. The balance shall also now be released in terms of the impugned judgment.
5. The statutory amount shall be refunded.
6. The appeal is disposed of in above terms.

OCTOBER 10, 2017
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R.K.GAUBA, J.

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