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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **MAC.APP. 180/2016, CM APPL. 6926/2016 (stay)**
NEW INDIA ASSURANCE COMPANY

..... Appellant

Through: Proxy counsel for Mr. Ravinder Singh,
Adv.

Versus

SARJU DEVI & ORS

..... Respondent

Through: Mr. K.K. Dubey, Adv. for R-1

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **15.05.2017**

The LCR has been digitised. Let the same be returned to the Tribunal concerned.

The appellant impugns the award on the ground that a multiplier according to the age of the deceased instead of his dependant mother has been applied. There is merit in this contention. In ***UPSRTC v. Trilok Chandra* (1996) 4 SCC 362** it was held that the multiplier of the dependant survivor would be applicable. Accordingly, the multiplier applicable to the mother shall be applied instead of the multiplier of “18” erroneously applied by the Tribunal.

The other ground for challenge is that 50% of the compensation amount has been added towards loss of future prospects which is erroneous in view of the fact that the deceased was not employed. The Court would note that the respondent has admitted in her cross examination that she has

not produced any document regarding salary or income of the deceased nor any employer of the deceased has been examined. In the circumstances, the income of the deceased has been assessed on the basis of minimum wages of an unskilled person as applicable on the date of accident. Furthermore, no proof of any educational qualification of the deceased has been placed on record. In the circumstances, the addition of 50% towards loss of future prospects is unsustainable. Accordingly, this addition of 50% in the income shall be reduced.

The learned counsel for the respondent submits that no compensation has been awarded towards loss of love and affection and loss of estate. The Court finds substance in the aforesaid two grounds. There is no compensation awarded on these heads. It should have been considered. Accordingly, in view of the indicative standard of Rs.1,00,000/- awarded in ***Bhogireddi Varalakshmi v. Mani Muthupandi***, (2017) 3 SCC 802 towards loss of love and affection, this Court grants Rs.1,00,000/- to the respondents under the same head. Likewise, an amount of Rs.1,00,000/- is granted towards loss of estate to the respondents. These amounts shall be apportioned to the beneficiaries of the Award as indicated therein.

The petition is disposed off in the above terms.

NAJMI WAZIRI, J.

MAY 15, 2017/acm