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

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Date of Decision: 31st October, 2017

+ MAC.APP. 350/2014

UNITED INDIA INSURANCE CO LTD Appellant
Through: Mr. Pankaj Seth, Advocate

versus

MST SALMAN & ORS Respondents
Through: Mr. Akarsh Garg, Mr. Rachit Aggarwal, Advocates for respondents no.1 to 8.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.9,83,000/- along with interest @ 7.5% per annum has been awarded to the claimants/respondents no.1 to 8.
2. On 31st December, 2009, Zeenat was sitting on the pillion of motor cycle bearing No.DL-IST-0467 and she fell down and suffered fatal injuries. The deceased aged 38 years was working in a factory earning Rs.5,000/- per month. The Claims Tribunal treated the deceased as a housewife and took the value of her services according to the minimum wages as Rs.4,146/-, added 25% towards inflation and applied the multiplier of 15 to compute the loss of dependency as Rs.9,32,850/-. The Claims Tribunal awarded Rs.25,000/- towards funeral expenses and Rs.25,000/- towards loss of love

and affection. Total compensation awarded is Rs.9,83,000/-.

3. Learned counsel for the appellant urged at the time of the hearing that the negligence of the driver of the offending vehicle has not been proved and therefore, the claimants are not entitled to compensation under Section 166 of the Motor Vehicles Act, 1988.

4. Learned counsel for the claimants submits on instructions of the claimants present in Court that claimants be awarded compensation under Section 163A of the Motor Vehicles Act, 1988.

5. Taking the income of the deceased as Rs.5,000/- per month, deducting 1/4th towards her personal expenses and applying the multiplier of 15, the loss of dependency is computed as Rs.6,75,000/-. Rs.15,000/- is awarded towards funeral expenses and Rs.15,000/- towards loss of love and affection. Total compensation is computed as Rs.7,05,000/- under Section 163A of the Motor Vehicles Act.

6. The appeal is allowed and the compensation amount is reduced from Rs.9,83,000/- to Rs.7,05,000/- along with interest @ 7.5% per annum.

7. The appellant has deposited the entire amount awarded by the Claims Tribunal with the Registrar General of this Court in terms of order dated 21st April, 2014. The Accounts Officer shall calculate the amount to which the claimants are entitled in terms of this judgment. The balance amount be refunded back to the appellant. The statutory amount also be refunded back to the appellant.

8. List for disbursement of the compensation amount on 15th November, 2017.

9. Respondents no.1 to 8 shall remain present in Court on the next date of hearing along with the passbooks of their savings bank accounts near the

place of their residence. The concerned banks in which respondents no.1 to 8 have their accounts, are directed not to issue any cheque books or debit cards and if the same have already been issued, the concerned bank shall cancel the same and make an endorsement on the passbooks of the claimants.

10. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court Master.

OCTOBER 31, 2017
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J.R. MIDHA, J.

