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

Decided on: 18th September, 2017

\+ MAC APPEAL No. 425/2010

NATIONAL INSURANCE CO. LTD. ..... Appellant
Through: Mr. Pankaj Seth, Adv.

versus

HARVINDER SURI & ORS. ..... Respondents
Through: None.

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

JUDGMENT (ORAL)

1. On the accident claim case (793/08/07) of the first to fourth respondents (collectively, the claimants), the motor accident claims tribunal, by judgment dated 10.03.2010, awarded compensation in the total sum of Rs. 44,75,000/-, it inclusive of loss of dependency, fastening the liability on the appellant insurance company to pay with interest @ 9 % per annum. In calculating the loss of dependency, the tribunal accepted the evidence led by the claimants, it including the depositions of first claimant Harvinder Suri (PW-1) and Dalip Kumar (PW-2), the latter an HR executive from M/s Richa Global Exports Pvt. Ltd., in which the deceased was employed as computer programmer, who proved the records with reference to letter of appointment (Ex.PW-2/R1) and other records relating to the employment and salary (Ex.PW-R2 and R3).

2. The insurance company presses the appeal at hand to question the calculation of loss of dependency by inclusion of element of 50% of future prospects of increase in income.

3. Having heard the learned counsel for the appellant and having gone through the tribunal's record, this Court finds no merit in the contentions urged. The evidence of PW-2 in particular had brought out irrefutable evidence of the element of future prospects of increase in income in the afore-mentioned regular employment of the deceased. [see judgment dated 28.03.2016 in MAC.APP. 548/2013 *United India Insurance Co. Ltd. v. Kamla & Ors*.].

4. The appeal is, therefore, dismissed.

5. By order dated 15.07.2010, while directing the insurance company to deposit the entire awarded amount with the tribunal, out of which 75% (seventy five percent) was allowed to be released. The balance lying in deposit shall also be released to the claimants with accrued interest in terms of the impugned judgment.

6. The statutory amount shall be refunded to the appellant /insurance company.

R.K.GAUBA, J.

SEPTEMBER 18, 2017
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