

\$~R-83

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

Decided on: 20th July, 2017

+ **MAC APPEAL 344/2009**

GURMEET KAUR & ORS Appellants
Through: **Mr. S.N. Parashar, Advocate**

versus

ORIENTAL INSURANCE CO. LTD.
& ORS. Respondents
Through: **Mr. A.K. Soni, Adv. for R-1**

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

JUDGMENT (ORAL)

1. Manish Arora, aged 34 years, working in a private company died in a motor vehicular accident that occurred on 14.07.2007 on account of negligent driving of a vehicle insured against third party risk with the first respondent (insurer).
2. On the claim petition of his wife and children (appellants), it being suit no.1486/2007, the Tribunal by judgment dated 02.04.2009 awarded compensation in the sum of Rs.20,65,000/- with interest at the rate of 7% pa. in their favour calling upon the insurer to pay.
3. The appellants have come up with the appeal at hand seeking enhancement of compensation.

4. At the hearing, only two contentions are pressed, one concerning the non-pecuniary damages towards loss to estate and loss to consortium and the damages towards funeral and other expenses, the awards being in the sum of Rs.15,000/- and Rs.10,000/- only, the second contention concerning the rate of interest.

5. Having heard the arguments, both contentions are found meriting acceptance.

6. Following the ruling in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 and *Shashikala V. Gangalakshamma* (2015) 9 SCC 150, instead of above noted amounts, non-pecuniary damages in the sum of Rs.1 Lakh each towards loss of love and affection and loss of consortium and Rs.25,000/- towards loss to estate and on account of funeral expenses are awarded. This would mean there would be a net increase in the award in the sum of Rs.2,25,000/-.

7. Following the consistent view of this Court, the rate of interest is increased to 9% p.a. [see judgment dated 22.02.2016 in MAC.APP. 165/2011 *Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.*].

8. Given the apportionment ordered by the Tribunal in the impugned judgment, there is no case for the share of the second or third appellants being increased. The entire enhanced amount including on account of increased interest shall go to the first appellant. The first respondent shall satisfy the enhanced award with the requisite deposit with the Tribunal within 30 days.

9. The appeal is disposed of in above terms.

R.K.GAUBA, J.

JULY 20, 2017

yg

