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

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Decided on: 11th May, 2017

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MAC.APP. 326/2016 & CM No.14302/2016

NATIONAL INSURANCE CO LTD.

..... Appellant

Through: Mr.C.S. Parashar, Advocate.

Versus

MUNNA @ MUNNA KHAN & ORS.

.....Respondents

Through: Mr. Nasir Husain, Mr. Abdul Tahir Khan and Mr. Manish Kumar Shukla, Advocates for Respondents No.1 and 2 with both Respondents in person.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. At joint request, the case is taken up for final hearing.
2. The appellant impugns the Award on the ground that multiplier of 18 instead of 13 was applied. The claimant is the mother of the deceased-victim of the road accident. The multiplier was adopted based on the age of the victim instead of that of the mother, the survivor. In view of the settled law in the judgment of *U. P. State Road Transport Corporation and Ors. Vs. Trilok Chandra and Ors. (1996) 4 SCC 362*, this cannot be so done. Accordingly, the appropriate multiplier would be 13. Applying the said multiplier, loss of dependency would come to Rs.65,286 X 13 = Rs.8,48,718/-. Thus, the compensation apropos loss of dependency is

reduced from Rs.11,75,200 to Rs.8,48,718/-.

3. The learned counsel for the respondents states that the parents of the deceased need about Rs.30,000/- to Rs.40,000/- for their medical and monthly expenses.

4. The awarded amount is stated to be deposited with the State Bank of India, Saket Courts Branch, New Delhi. Accordingly, the excess amount alongwith proportionate interest shall be returned to the appellant. The remaining amount along with proportional interest shall be apportioned equally between the beneficiaries i.e. respondents No. 1 and 2 as has been directed by the Tribunal. From their respective shares, the amounts shall be disbursed in the following manner:-

- (i) From the share of the mother respondent No.1/ Mrs. Mobina, a sum of Rs.25,000/- shall be released to her in her Bank Account No.3002933841 maintained with Central Bank of India, Gulmohar Park, New Delhi within two weeks from today.
- (ii) A similar amount of Rs.25,000/- shall be released to the father of the deceased/respondent No.2 in his Bank Account maintained with the State Bank of India, Saket Courts Branch, New Delhi.
- (iii) Of the remaining amounts, for each of the beneficiaries, FDRs of Rs.10,000/- each with maturity every successive month shall be created and kept with the aforesaid SBI Bank. Upon its maturity, the said amounts shall be credited to the account of the beneficiaries i.e. for respondent No.1 in her aforenoted Bank Account No.3002933841 and for respondent No.2 in the account maintained with SBI Bank.

In this manner, the immediate needs of the parents including their

medical expenses will be taken care of and the interest accrued thereon over the months would, to some extent, mitigate the effect of mandatory inflation.

- (iv) The original Fixed Deposit Receipts shall be kept by the Manager of the aforesaid Bank. However, the original passbooks shall be given to the respondent No.1 and respondent No.2 along with the photocopy of the FDRs.
- (v) No cheque book shall be issued to the respondent No.1 and respondent No.2 for the FDRs accounts without permission of the court.
- (viii) No loan or advance shall be permitted against the FDRs nor shall the same be pre-maturely encashed without permission of the court.

The appeal along with pending application stands disposed off in the above terms.

MAY 11, 2017
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NAJMI WAZIRI, J.