$~R-538

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

Decided on: 22nd November, 2017

\+ MAC APPEAL 735/2012 and CM 11919/2012

RELIANCE GENERAL INSURANCE COMPANY LTD. ..... Appellant

Through: Mr. Arun Yadav, Advocate

versus

REENA & ORS. ..... Respondents

Through: None

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

<u>JUDGMENT (ORAL)</u>

1. In calculating the loss of dependency, on account of death of Ravinder Kumar in a motor vehicular accident that took place on 10.10.2011 due to negligent driving of a motor vehicle described as Tempo bearing registration no.DL-1LM-2391 (tempo), on the basis of evidence led during inquiry into accident claim case (suit no.557/2011) instituted by the first to fourth respondent (collectively, the claimants), the Motor Accident Claims Tribunal (Tribunal) concluded, by judgment dated 04.04.2012 that the income of the deceased was Rs.15,000/- p.m. It is this finding which is questioned by the appeal at hand.

2. Having heard the learned counsel for the insurance company and having gone through the record, this court finds no error in the

view taken by the tribunal. The finding is duly supported by the evidence of Balbir Singh (PW-2), the employer of the deceased, whose evidence is found to be credible.

3. The tribunal had also directed that in case the insurance company did not pay the awarded amount within the specified period (one month), it will be liable to pay interest at an enhanced rate of 12% p.a. Since the insurer exercised the right of appeal, and a conditional stay was granted by order dated 17.07.2012, it having complied with the direction for deposit, the direction for penal interest is vacated.

4. By order dated 17.07.2012, the insurance company had been directed to deposit the entire awarded amount with up-to-date interest with UCO Bank, Delhi High Court branch and from out of such deposit, fifty percent (50%) was permitted to be released to the claimants. The balance with accrued interest shall also now be released to the claimants in terms of the judgment of the tribunal.

5. The statutory deposit shall be refunded to the insurance company after proof is shown of the award having been satisfied.

6. The appeal and pending application stand disposed of accordingly.

R.K.GAUBA, J.

NOVEMBER 22, 2017
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