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

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Date of Decision: 26th July, 2017

+ MAC.APP.363/2016 and CM 15396/2016

24 ORIENTAL INSURANCE COMPANY LTD Appellant
Through: Mr. Ravi Sabharwal, Adv.

versus

GEETA DEVI AND ORS. Respondents
Through: Mr. S.N. Parashar, Adv.

+ MAC.APP.310/2017

29 GEETA AND ORS. Appellant
Through: Mr. S.N. Parashar, Adv.

versus

M/S ORIENTAL INSURANCE COMPANY LTD Respondents
Through: Mr. Ravi Sabharwal, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The Claims Tribunal has awarded compensation of Rs.11,15,128/- to the legal heirs of Pyare Lal which is under challenge in these appeals.
2. The accident dated 06th February, 2012 resulted in the death of Pyare Lal. The deceased was survived by his widow and father who filed the claim petition before the Claims Tribunal. The deceased was aged 31 years and working as a contractor at M/s Star Management Services drawing the salary of Rs.9,500/- per month. The proprietor of M/s Star Management Services

appeared in the witness box as PW-3 and deposed that the Pyare Lal was skilled technician in his firm. PW-3 produced the TDS certificate of the deceased for the assessment years 2011-12 and 2012-13 as Ex.PW3/A and Ex.PW3/B. PW-2 from Income Tax Department produced the ITR of the deceased for the assessment year 2011-12. The Claims Tribunal took the income of the deceased as Rs.9,168/- per month on the basis of the aforesaid documents and deducted 1/2 towards his personal expenses and applied the multiplier of 16 to compute the loss of dependency as Rs.8,80,128/-. The Claims Tribunal awarded Rs.1,00,000/- towards the loss of love and affection, Rs.1,00,000/- towards the loss of consortium, Rs.10,000/- towards the loss of estate and Rs.25,000/- towards the funeral expenses. The total compensation awarded by the Claims Tribunal is Rs.11,15,128/-.

3. Learned counsel for the appellant in MAC.APP.363/2016 urged at the time of hearing that the Claims Tribunal awarded interest @ 12% per annum which should be reduced to @ 9% per annum.

4. Learned counsel for the appellant in MAC.APP.310/2017 urged at the time of hearing that Claims Tribunal has not taken the future prospects into consideration and has deducted 1/2 towards personal expenses of the deceased whereas the appropriate deduction towards personal expenses should have been 1/3rd as the deceased was married.

5. This Court is of the view that as the deceased was aged 31 years at the time of accident and, therefore, 50% is added towards future prospects of the deceased. The deceased was a married person and, therefore, appropriate deduction towards the personal expenses of deceased should have been 1/3rd instead of 1/2. The personal expenses of deceased are reduced from 1/2 to 1/3rd. The Claims Tribunal has awarded interest @ 12% per annum whereas

the Supreme Court as well as this Court are consistently awarding interest @ 9% per annum.

6. The claimants are entitled to the total compensation of Rs. 19,95,256 as per the break up given hereunder:-

Monthly Income	:	Rs.9,168/-
Add 50% towards future prospects	:	Rs.4,584/-
Deduct 1/3 rd towards personal expenses	:	Rs.4,584/-

Monthly loss of dependency	:	Rs.9,168/-

		[(9,168+4,584) – 4,584]
Annual loss of dependency	:	Rs.1,10,016 (9,168 x 12)
Multiplier	:	16
Loss of dependency	:	Rs.17,60,256 (1,10,016 x 16)
Loss of love and affection	:	Rs.1,00,000/-
Loss of consortium	:	Rs.1,00,000/-
Loss of estate	:	Rs.10,000/-
Compensation for funeral expenses	:	Rs.25,000/-
TOTAL		Rs. 19,95,256/-

7. Both the appeals are allowed and the amount is enhanced from Rs.11,15,128/- to Rs. 19,95,256/- along with interest @ 9% per annum from the date of filing of the claim petition i.e. 5th March, 2012 till realization.

8. The enhanced award amount be deposited by the insurance company with UCO Bank, Delhi High Court Branch by means of a cheque drawn in the name of UCO Bank A/c Geeta Devi within four weeks from today.

9. List for disbursement of the award amount on 04th September, 2017.
10. Geeta Devi shall remain present in Court on the next date of hearing along with the passbook of her savings bank account near the place of her residence as well as her Aadhar Card and PAN Card.
11. Statutory amount be refunded back to the insurance company after deposit of the enhanced award amount. The proof of deposit along with computation be filed before this Court within a period of one week of the deposit.
12. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court Master.

JULY 26, 2017

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J.R. MIDHA, J.

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