

\$ R-53

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

Decided on : 12th July, 2017

+ MAC.APP. 535/2008

NARESH KUMAR KASERA AND ANR. Appellants

Through: Mr. Navneet Goyal, Advocate

versus

RAJU SINGH AND ORS.

..... Respondents

Through: Mr. Pradeep Gaur, Advocate for
R-3

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. Varun aged 18 years, student of the degree course of Bachelor of Commerce (first year) working part time as Apprentice Assistant Accountant at wages of Rs.3,500/- p.m., son of the appellant died in a motor vehicular accident that occurred on 06.10.2004 involving negligent driving of truck no.HR-38B-2021, which was admittedly insured against third party risk with the third respondent (insurer) for the period in question.

2. On the claim petition (suit no.12/06) brought by the appellants, the tribunal awarded Rs.4,24,000/- as compensation with interest in their favour. The appeal seeks enhancement of the compensation, it being pressed only on the ground that the award under non-pecuniary heads of damages is inadequate.

3. It is noted that the tribunal awarded Rs.50,000/- towards loss of

love and affection and Rs.5,000/- each towards funeral expenses and loss to estate. Having regard to the dictum in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 and *Shashikala V. Gangalakshamma* (2015) 9 SCC 150, these awards are indeed inadequate.

4. The compensation on account of the loss of love and affection is increased to Rs.1 Lakh and that on account of loss to estate and funeral expenses to Rs.25,000/- each. This would result in net increase by the sum of Rs.90,000/- taking the award to Rs.5,14,000/-.

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

6. The third respondent shall satisfy the modified award by requisite deposit with the tribunal within 30 days.

7. The entire increased portion of the award shall be released to the second appellant (mother) by being put in fixed deposit receipt in a nationalized bank in her name for a period of seven years.

8. The appeal is disposed of in above terms.

R.K.GAUBA, J.

JULY 12, 2017

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