

\$~R-143

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

Decided on: 25th August, 2017

+ **MAC APPEAL No. 615/2009**

KRISHNA & ORS.

..... Appellants

Through: Mr. O.P. Mannie, Adv.

versus

BHAGWAN & ORS.

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. On the claim petition of the appellants (petition no. 48/2009), the tribunal, by judgment dated 03.07.2009, awarded compensation in the total sum of Rs. 6,30,550/- with interest on account of death of Rohtash Kumar, due to negligent driving of motor vehicle, admittedly insured with the third respondent, fastening the liability on the said party.

2. The appeal seeking enhancement is pressed only to seek higher non-pecuniary damages on account of loss of love & affection, loss of consortium, funeral expenses and loss to estate, under which heads the tribunal has awarded Rs. 50,000/-, Rs. 50,000/-, 10,000/- and 5,000/- respectively.

3. Following the rulings in *Rajesh & Ors. v. Rajbir Singh & Ors.*, (2013) 9 SCC 54 and *Shashikala V. Gangalakshamma* (2015) 9 SCC

150, compensation in the sum of Rs.1 lakh each on account of loss of love & affection and loss of consortium and Rs. 25,000/- each towards loss of estate and funeral expense are granted. Thus, there will be net increase of Rs. 1,35,000/- (Rupees One Lac Thirty Five Thousand). Ordered accordingly.

4. The increased amount with interest @ 9% per annum in respect of the increased portion of the award w.e.f. the date of filing of the petition (04.11.2008) till realization shall be payable to the first appellant Krishna (widow).

5. The insurance company shall deposit the requisite amount with the tribunal within thirty days making it available to be released.

6. The appeal stands disposed of in above terms.

AUGUST 25, 2017
nk

R.K.GAUBA, J.

न्यायमेव जयते