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

Decided on: 19th September, 2017

\+ MAC.APP. 598/2016

KIRAN DEVI & ORS ..... Appellants

Through: Mr. Anshuman Bal, Advocate

versus

MEGMA HDI GEN INS CO LTD & ORS ..... Respondents

Through: Mr. Ved Tripathi and Ms. Vidisha, Advocate for R-1

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

JUDGMENT (ORAL)

1. The only contention urged by the claimants in this appeal is that the award under the non-pecuniary heads of damages granted in the sum of Rs.1,00,000/- each towards loss of love and affection and loss of consortium, Rs.10,000/- towards loss of estate besides Rs.25,000/- on account of funeral expenses, by judgment dated 02.04.2016, on the accident claim case (suit no.532/2014) on account of the death of Sarvesh Kumar is inadequate. It is noted that the claimants had proved at the inquiry before the tribunal that the death had occurred due to the negligent driving of the motor vehicle described as a Dumper bearing registrtaionno.HR-55G-7823 admittedly insured against third party risk with the first respondent (insurer) for the

period in question on which liability to pay the compensation was fastened.

2. Following the ruling in *Shriram General Insurance Co Ltd v. Usha, MAC.APP.No.160/2015*, decided on 05.05.2016, the plea of the claimants being found to be correct, the awards under the non-pecuniary heads of damages are increased to Rs.1,50,000/- each towards loss of love and affection and loss of consortium and Rs.50,000/- each towards loss of estate and funeral expenses. Thus, there shall be a net increase in the award by [Rs.4,00,000/- (-) Rs.2,35,000/-] Rs.1,65,000/- (Rupees One Lakh and sixty five thousand only).

3. It is directed that the enhanced portion of the award shall also carry interest at the rate of 9% p.a. (nine percent) as levied by the tribunal and shall fall to the share of the first appellant Kiran Devi / widow, it to be released to her in the form of interest bearing fixed deposit receipt taken out from a nationalized bank in her name for a period of ten years with right to draw periodic interest. The first respondent is directed to satisfy the enhanced award by requisite deposit with the tribunal within 30 days.

4. The appeal is disposed of in above terms.

R.K.GAUBA, J.

SEPTEMBER 19, 2017
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