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

Decided on: 21st August, 2017

+ **MAC.APP. 711/2016**

MADAN LAL

..... Appellant

Through: Mr. Anshuman Bal, Adv.

versus

RELIANCE GEN INS CO LTD & ANR Respondents

Through: Mr. Rajeev M. Roy & Mr. P.
Srinivasan, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

JUDGMENT (ORAL)

1. Yogesh Sharma, aged 24 years, a bachelor, died as a result of injuries in a motor vehicular accident that occurred on 12.04.2013 due to negligent driving of Tempo bearing registration No. UP 16L 9164, admittedly insured against third party risk for the period in question with the first respondent (insurer). On accident claim petition (MACP 355/2016), instituted by the appellant and his wife Kamlesh Sharma, parents of the deceased, the tribunal, by judgment dated 01.03.2016, awarded compensation in the sum of Rs.8,27,316/-, directing the insurance company to pay with interest @ 9 % per annum.

2. Kamlesh Sharma, the mother of the deceased died on 2.3.2016, the tribunal by subsequent order dated 31.05.2016, deleted her from

the fray and directed the awarded compensation to be released in favour of the appellant.

3. The appeal seeks enhancement of the compensation. It is pressed only on the ground that non-pecuniary damages awarded by the tribunal are inadequate. It is noted that tribunal has awarded Rs. 1 lakh each towards loss of love & affection and loss of estate and Rs. 25,000/- towards funeral expenses. This is not in *sync* with the awards under non-pecuniary heads of damages and the view taken in MAC.APP.No.160/2015 *Shriram General Insurance Co Ltd v. Usha* decided by this court on 05.05.2016. Thus, non-pecuniary damages in the sum of Rs.1,50,000/- towards loss of love & affection and Rs.50,000/- each towards loss of estate and funeral expense are added. This would result in increase in the award by Rs. 25,000/-, which is hereby granted. Needless to add, it shall carry interest as levied by the tribunal.

4. The insurance company shall deposit the requisite further amount with the tribunal in accordance with modification ordered above making it available to be released.

5. The appeal is disposed of in above terms.

6. *Dasti.*

R.K.GAUBA, J.

AUGUST 21, 2017

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