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

% **Date of Decision:31st July, 2017**

\+ MAC. APP.754/2015

MAHABIR SINGH LOKRA ..... Appellant
Through: Mr.Vinod Kumar, Advocate

versus

RAMESH & ORS. ..... Respondents
Through: Mr. Saurabh Kansal, Advocate for respondents no.1 and 2 along with respondents no.1 and 2 in person.

CORAM:
HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.5,98,644/- has been awarded to respondents no.1 and 2.

2. The accident dated 3rd February, 2004 resulted in the death of Surender. The deceased was aged 19 years at the time of the accident and was survived by his parents who filed the application for compensation before the Claims Tribunal. The deceased was running a welding shop and was earning Rs.12,000/- per month. However, the Claims Tribunal took minimum wages of Rs.2,862/- as income of the deceased, added 50%

towards inflation, deducted 50% towards personal expenses and applied the multiplier of 18 to compute the loss of the dependency as Rs.4,63,644/-. The Claims Tribunal awarded Rs.1 lakh towards loss of love and affection, Rs.25,000/- towards funeral expenses, Rs.10,000/- towards loss of estate. The total compensation awarded is Rs.5,98,644/- alongwith interest @ 7.5% per annum.

3. Learned counsel for the appellant urged at the time of hearing that the offending vehicle was sold by the him in March 1994 to one Ghadsi for Rs.40,000/- and at the time of accident, the vehicle was owned by respondent No.3, Madan who got the same released on *supardari* from the police station. The appellant seeks exoneration of liability on the ground that respondent no.3 alone is liable to pay the compensation. Without prejudice, the appellant seeks recovery rights against respondent No.3. On merits, learned counsel submits that the multiplier of 18 be reduced to 13 according to the age of the mother.

4. During the course of hearing, learned counsel for the appellant and learned counsels for respondents no.1 and 2 agree that the award amount be reduced to Rs.5 lakh along with interest @ 7.5% per annum from the date of filing of the claim petition and the appellant be granted the recovery rights to recover the award amount from the respondent no.3.

5. The appeal is partially allowed and the award amount is reduced from Rs.5,98,644/- to Rs.5 lakh along with interest @ 7.5% per annum from the date of the filing of the claim petition i.e. 4th May, 2004. The appellant is granted recovery rights to recover the aforesaid amount from respondent no.3.

6. The appellant has deposited Rs.1,50,000/- with the Claims Tribunal.

The appellant has deposited Rs.1,50,000/- with UCO Bank, Delhi High Court Branch and a sum of Rs.2,98,644/- with the Registrar General of this Court. The Registrar General is directed to transfer Rs.2,98,644 as well as the statutory amount of Rs.25,000/- to UCO Bank, Delhi High Court Branch whereupon UCO Bank, Delhi High Court Branch shall consolidate the above amounts with Rs.1,50,000/-.

7. UCO Bank, Delhi High Court Branch is directed to keep Rs.4 lakh in 80 FDRs of Rs.5,000/- each in the name of respondent no.2 for the period 1 month to 80 months respectively with cumulative interest. The balance amount, after keeping Rs.4 lakh in fixed deposit, be released to respondents no.1 and 2, in equal shares, by transferring the same to their following savings bank accounts:

(i) **Respondent No.1 – Ramesh** - A/c No. 03232191021077 with Oriental Bank of Commerce, Delhi – Dhichaon Kalan, IFSC : ORBC0100323, MICR: 110022008

(ii) **Respondent No.2 – Anguri Devi @ Angoori Devi** - A/c No.151900 0100542217 with Punjab National Bank, Delhi Najafgarh, 1677, Chhawla Stand, Najafgarh, Delhi - 110043

8. The maturity amounts of the FDRs of respondent no.2 shall be transferred to her aforesaid individual savings bank account.

9. All the original FDRs shall be retained by UCO Bank, Delhi High Court Branch. However, the statement containing FDR number, FDR amount, date of maturity and the maturity amount be furnished to respondent no.2.

10. No cheque book or debit card be issued to respondent no.2 without permission of this Court. However, in case, the debit card/cheque book have already been issued, Punjab National Bank, Delhi Najafgarh, shall cancel the

debit card and/or cheque book.

11. No loan or advance or pre-mature discharge shall be permitted without the permission of this Court.

12. The appellant present in Court undertakes to deposit the balance interest amount in four equal monthly installments commencing 1st October, 2017 in the savings bank account A/c No.151900 0100542217 of respondent no.2 with Punjab National Bank, Delhi Najafgarh, 1677, Chhawla Stand, Najafgarh, Delhi - 110043.

13. The undertaking of the appellant is accepted.

14. The appellant shall file the computation of interest on affidavit within a period of four weeks from today.

15. Copy of this judgment be given *dasti* to counsel for the parties under the signature of the Court Master.

JULY 31, 2017 **J.R. MIDHA, J.**

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