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

Decided on: 21st August, 2017

\+ MAC APPEAL No. 137/2017

BEENA DEVI & ORS. .... Appellants
Through: Mr. Anshuman Bal, Adv.

versus

HDFC ERGO GEN. INS. CO. LTD. & ORS. ..... Respondents
Through: Mr. A.K. Soni, Adv. for R-1.

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

JUDGMENT (ORAL)

1. Satender Singh, 32 years old, died as a result of injuries suffered in a motor vehicular accident that occurred on 28.03.2013 due to negligent driving of car make Mahindra Scorpio bearing registration No. HR 51 W 9317, admittedly insured against third party risk with the first respondent (insurer). His wife and other members of the family dependent upon him, they being the appellants herein, instituted accident claim case (suit no. 250/2013) which was allowed by the tribunal vide judgment dated 21.07.2016 and compensation in the sum of Rs. 13,07,000/- was granted to the claimants / appellants, the liability being fastened on the insurance company (first respondent). The said amount includes non-pecuniary damages in the sum of Rs. 1 lakh towards loss of love & affection, Rs. 25,000/-

towards funeral expenses, Rs. 20,000/- towards loss to estate and Rs. 20,000/- towards loss of consortium.

2. The appellants are aggrieved by the said judgment and submit that the aforesaid non-pecuniary damages awarded are inadequate. Following the view taken in MAC.APP.No.160/2015 *Shriram General Insurance Co Ltd v. Usha* decided by this court on 05.05.2016, the submission of the claimants/appellants is found to be correct.

3. Therefore, in lieu of the awards under the above heads granted by the tribunal, non-pecuniary damages in the sum of Rs. 1,50,000/- each towards loss of love & affection and towards loss of consortium and Rs. 50,000/- each towards loss of estate and funeral expense are added to the total compensation. Thus, the award would stand increased by (4,00,000 - 1,95,000) Rs. 2,05,000/-.

4. Given the dispensation in favour of other claimants, it is directed that the entire enhanced amount shall fall to the share of first appellant (Beena Devi), wife of the deceased it to be released with interest @ 9% per annum in the form of fixed deposit receipt for a period of seven years though with liberty given to her to draw monthly interest.

5. Insurer will be duty bound to deposit the enhanced portion with the tribunal within thirty days, making it available to be released.

6. The appeal stands disposed of in above terms.

R.K.GAUBA, J.

AUGUST 21, 2017

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