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

% **Date of Decision: 11th May, 2018**

\+ MAC.APP. 1024/2017

RAM SHANKAR & ANR ..... Appellants
Through: Mr. Kartikay Sharma, Adv.

versus

BINOD KUMAR RAI & ORS ..... Respondents
Through: Mr. Rajeev M. Roy, Adv.

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

JUDGMENT (ORAL)

1. The appellants have challenged the award of the Claims Tribunal whereby the compensation of Rs. 7,11,934/- has awarded to the appellants. The appellants are seeking enhancement of the compensation.

2. The accident dated 30th April, 2014 resulted in death of Sudeep Kumar. The deceased was 23 ½ years at the time of accident and was working as truck conductor. It was claimed that the deceased was earning Rs.15,000/- per month, However, in absence of any proof of income, the Claim Tribunal took minimum wages of Rs. 6,999/- in respect of a semi-skilled worker in UP. The Claim Tribunal deducted 50% of income towards personal expenses of the deceased and applied multiplier to 11 as per the age of the mother of deceased to compute loss of financial dependency as Rs.4,61,934/-. The Claims Tribunal awarded of Rs.1,50,000/- towards loss of love & affection, Rs.50,000/- towards funeral expenses and Rs.50,000/-

towards loss of estate. Total compensation awarded is Rs.7,11,934/-.

3. Learned counsel for the appellants urged that at the time of hearing that income of the deceased be taken according to minimum wages of Rs. 8,528/- as the deceased was working in Delhi. It is further submitted that the 40% future prospects be added and multiplier be enhanced from 11 to 18 according to ***National Insurance Co. Limited v. Pranay Sethi*** 2017 SCC Online SC 1270

4. Learned counsel for the respondent submits that non-pecuniary compensation be reduced to Rs.30,000/- in terms of ***National Insurance Co. Limited vs. Pranay Sethi (Supra)***.

5. There is merit in the contentions urged by learned counsel for the appellants. The deceased was working in Delhi and minimum wages of for Delhi i.e. Rs.8,528/- of semi-skilled person are taken as income of the deceased. The appellant entitled to addition of 40% future prospects and multiplier of 18 according to ***National Insurance Co. Limited vs. Pranay Sethi (supra).*** The compensation towards loss of love and affection of Rs.1,50,000/- is set aside. The compensation for loss of estate and funeral expenses is reduced to Rs.15,000/- each.

6. Taking the income of the deceased of Rs.8,528/-, adding at 40% towards future prospects, deducting ½ towards personal expenses and applying the multiplier of 18, the loss of dependency is computed as Rs.12,89,433.6 (rounded off to Rs. 12,89,434/-). Adding Rs.15,000/- towards funeral expenses and Rs. Rs.15,000/- towards loss of estate, the total compensation is computed as Rs.13,19,434/-.

7. The appeal is allowed and the award amount is enhanced from Rs.7,11,924/- to Rs.13,19,434/- along with interest @ 9% per annum per

annum from the date of the institution i.e. 19th August, 2014 till realization.

8. The appellant is directed to deposit the enhanced award amount with the Registrar General of this Court within four weeks.

9. List for disbursement of the enhanced compensation amount on 12th July, 2018.

10. Copy of this judgment be given *dasti* to learned counsels for the parties under signature of Court Master.

MAY 11, 2018 **J.R.MIDHA, J.**

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