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

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Date of Decision: 23rd December, 2020

CM APPL. 5222/2020

IN

+ MAC.APP. 60/2020

ROYAL SUNDARAM GENERAL
INSURANCE CO. LTD.

..... Appellant

Through: Mr. Pankaj Gupta, Advocate

versus

RANJANA DEVI & ORS.

..... Respondents

Through: Mr. A. K. Dhama, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (O R A L)

1. The hearing has been conducted through video conference.
2. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.4,29,500/- has been awarded to respondents No.1 to 4.
3. The accident dated 10th August, 2014 resulted in death of Kajal aged about 62 years. Kajal was survived by one married son and three married daughters who claimed compensation. Kajal was self-employed, doing white washing and POP work. The Claims Tribunal took the income of the deceased as Rs.8,554/- per month equal to minimum wages of unskilled labour and applied the multiplier of 7 and computed the loss of dependency

as Rs.2,39,500/-. The Claims Tribunal awarded Rs.1,60,000/- towards loss of consortium and Rs.30,000/- towards funeral expenses and loss of estate. Total compensation awarded is Rs.4,29,500/- along with interest at the rate of 9% per annum.

4. Learned counsel for the appellant urged at the time of hearing that the compensation awarded towards loss of consortium is on higher side and the same be reduced to Rs.40,000/- It is further submitted that the interest rate of 9% per annum awarded is also on higher side.

5. Learned counsel for the respondent submits that the compensation awarded by the Claims Tribunal is just fair and reasonable.

6. The appellant has deposited Rs.5,34,633/- with the Registrar General of this Court in terms of order dated 10th February, 2020.

7. This Court is of the view that compensation of Rs.5,00,000/- including interest is fair and reasonable. Learned counsel for respondents No.1 to 4 has taken instructions from the respondents that the award amount including interest be reduced to Rs.5,00,000/-.

8. The appeal is partly allowed and in the peculiar facts of this case, the compensation awarded by the Claims Tribunal is reduced to Rs.5,00,000/- including the interest.

9. The Registrar General is directed to disburse Rs.5,00,000/- to respondents No.1 to 4 by instructing UCO Bank, Delhi High Court branch as under:-

- (i) Rs.1,00,000/- be released to respondent No.1, Ranjana Devi, by transferring the same to her savings bank account No.3320580111 with Purvanchal Bank (IFSC Code: SBIN0RRPUGB).
- (ii) Rs.2,00,000/- be released to respondent No.2, Vikas, by transferring

the same to his savings bank account No.12511000003098 with Punjab & Sind Bank, Jahangirpuri (IFSC Code: PSIB0021251).

- (iii) Rs.1,00,000/- be released to respondent No.3, Asha @ Asha Devi, by transferring the same to her savings bank account No.11821205710 with SBI Bank, Shahpur Brahman, Block Jaitpur, Uttar Pradesh (IFSC Code: SBIN0007122).
 - (iv) Rs.1,00,000/- be released to respondent No.4, Nisha Devi, by transferring the same to her savings bank account No.456402010112605 with Union Bank, Rasoolpur Dadra, Ghazipur, Uttar Pradesh (IFSC Code: UBIN0545643).
 - (v) The balance amount after releasing Rs.5,00,000/- i.e. Rs.34,633/- plus interest accrued on the entire amount deposited by the appellant, be refunded back to the appellant within four weeks.
10. The statutory amount deposited by the appellant be also refunded back to the appellant within four weeks.
11. C.M. Appl. 5222/2020 stands disposed of.
12. The order be uploaded on the website of this Court forthwith.

DECEMBER 23, 2020
ds

J.R. MIDHA, J.