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

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Date of Decision: 05th February, 2020

+ **MAC.APP. 618/2019**

JASWANT SINGH KHANUJA & ORS Appellants
Through: **Mr. R.S.Rai, Advocate**

versus

**BANI RAM & ORS (FUTURE GENERAL
INDIA INSURANCE CO LTD)** Respondents
Through: **Mr.Pankaj Gupta, Advocate for
Ms.Suman Bagga, Advocate for R-3**

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

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

CM Appl. 26662/2019

1. Allowed, subject to just exceptions.

CM Appl. 26661/2019

2. Issue notice to respondent No.3. Learned counsel for respondent No.3 accepts notice.

3. Delay in filing the appeal is condoned.

4. Application disposed of.

MAC.APP. 618/2019

5. Issue notice. Learned counsel for respondent No.3 accepts notice.

6. The appellants have challenged the award of the Claims Tribunal whereby compensation of Rs.37,06,000/- has been awarded to the appellants.

7. The accident dated 17th October, 2011 resulted in the death of Sukhbir Singh Khanuja @ Goldy. The deceased was aged 35 years at the time of the accident and was survived by his parents who claimed compensation. The deceased was a businessman earning Rs.4,38,496/- per annum.

8. The Claims Tribunal took the income of the deceased as Rs.4,38,496/- per annum, added 40% towards future prospects, deducted 1/2 towards his personal expenses and applied the multiplier of 16 to compute the loss of dependency as Rs.49,11,152/-. The Claims Tribunal awarded Rs.40,000/- towards loss of consortium, Rs.15,000/- towards loss to estate and Rs.15,000/- towards funeral expenses. The Claims Tribunal deducted Rs.12,35,288/- towards contributory negligence. Total compensation awarded is Rs.37,06,000/-.

9. Learned counsel for the appellants urged at the time of the hearing that the compensation of Rs.50,000/- be awarded to each of the four appellants for loss of love and affection. It is further submitted that Rs.40,000/- be awarded to each of the four appellants for loss of consortium.

10. Learned counsel for respondent No.3 submits that the compensation awarded by the Claims Tribunal is just, fair and reasonable and does not warrant any interference.

11. This Court is satisfied that the appellants are entitled to compensation of Rs.50,000/- each for loss of love and affection and Rs.40,000/- each for loss of consortium.

12. In that view of the matter, compensation of Rs.50,000/- is awarded to each of the appellants for loss of love and affection and Rs.40,000/- is awarded to each of the appellants for loss of consortium. As such, the awarded amount is enhanced by Rs.1,80,000/-.

13. The appeal is allowed and compensation awarded by Claims Tribunal is enhanced from Rs.37,06,000/- to Rs.38,86,000/- along with interest at the rate of 9% per annum.

14. The enhanced award amount be deposited with the Claims Tribunal within four weeks. On deposit of said amount, the Claims Tribunal shall release the same to the concerned appellants by transferring the same to their savings bank account near the place of their residence. However, before disbursement the Claims Tribunal shall ensure that no cheque book or debit card has been issued to the appellants. The appellants shall produce the passbook of their savings bank account near the place of their residence with the necessary endorsement before the Claims Tribunal at the time of the disbursement.

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

FEBRUARY 05, 2020
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J.R. MIDHA, J.