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

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Date of Decision: 07th February, 2020

+ MAC.APP. 59/2020

THE NEW INDIA ASSURANCE CO LTD Appellant

Through: Mr.Anshum Jain, Advocate

versus

RAHISA & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

J U D G M E N T (ORAL)

CM Appl. 5142/2020

1. Allowed, subject to just exceptions.

CM Appl. 5143/2020

2. Delay in refiling is condoned.

3. Application disposed of.

MAC.APP. 59/2020 & CM Appl. 5141/2020

4. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.18,85,000/- has been awarded to the respondents No.1 to 8.

5. The accident dated 16th March, 2010 resulted in the death of Chaman. The deceased was aged 35 years at the time of the accident and was survived by his widow, three daughters, three sons and mother, who claimed the compensation. The deceased was self employed. It was claimed that the deceased was earning Rs.10,000/- to Rs.12,000/- per month.

6. The Claims Tribunal took the minimum wages of Rs.5,278/- per month as income of the deceased; added 40% towards future prospects;

deducted 1/5th towards his personal expenses and applied the multiplier of 16 to compute the loss of dependency as Rs.11,34,950/-. The Claims Tribunal awarded Rs.3,20,000/- (Rs.40,000/- per claimant) towards loss of consortium and Rs.4,00,000/- (Rs.50,000/- per claimant) towards loss of love and affection; Rs.15,000/- towards loss to estate and Rs.15,000/- towards funeral expenses. Total compensation awarded is Rs.18,85,000/- (Rs.18,84,950/- rounded of).

7. Learned counsel for the appellant urged at the time of the hearing that the personal expenses of the deceased be increased from 1/5th to 1/4th. It is further submitted that the compensation for loss of consortium and loss of love and affection is on higher side and the same be reduced.

8. This Court is of the view that there is no infirmity in the deduction of personal expenses of 1/5th of the income of the deceased considering that the deceased left behind eight legal representatives.

9. The amount awarded by the Claims Tribunal towards loss of consortium and towards loss of love and affection is just, fair and reasonable and does not warrant any interference.

10. The appeal is dismissed. Pending application is also disposed of.

11. The statutory amount be refunded back to the appellant within four weeks.

12. Copy of this judgment be sent to respondents No.1 to 7.

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

J.R. MIDHA, J.

FEBRUARY 07, 2020/ ds