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

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Date of Decision: 06th February, 2020

+ MAC.APP. 552/2012

ICICI LOMBARD GENERAL INSURANCE CO LTD Appellant

Through: Mr.Pankaj Gupta, Adv. for Ms.Suman
Bagga, Adv.

versus

GAURI DAS & ORS Respondents

Through: Mr.Sanjay Kumar, Adv. for
claimants/respondent Nos.1 to 3

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

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

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.7,39,100/- has been awarded to the respondent Nos.1 to 4.
2. The accident dated 10th April, 2010 resulted in the death of Pradeep Dass. The deceased was working as a labourer with Rani Tent House at the time of the accident. The deceased was 47 years old at the time of the accident and was survived by his widow, one daughter, one son and his mother, who claimed compensation.
3. The Claims Tribunal took minimum wages of Rs.3,470/- as income of the deceased, 50% was added towards future prospects, 1/4th was deducted towards personal expenses of the deceased and multiplier of 13 was applied

to compute the loss of dependency as Rs.6,09,100/-. The Claims Tribunal awarded Rs.1 lakh towards loss of love and affection, Rs.10,000/- towards loss of consortium, Rs.10,000/- towards funeral expenses and Rs.10,000/- towards loss to estate. Total compensation awarded is Rs.7,39,100/-.

4. Learned counsel for the appellant urged at the time of the hearing that the future prospects be reduced from 50% to 40% and the compensation for loss of love and affection be set aside. It is further submitted that the recovery rights be granted to the appellant against the driver and owner of the offending vehicle on the ground that the vehicle was used for a commercial purpose.

5. Learned counsel for the respondents urged at the time of hearing that the compensation for loss of love and affection be enhanced to Rs.50,000/- to each of the four respondents. It is further submitted that the compensation for loss of consortium be enhanced to Rs.40,000/- to each of the four respondents. Learned counsel also seeks enhancement of compensation for loss to estate and funeral expenses from Rs.10,000/- to Rs.15,000/- respectively.

6. This Court is of the view that the compensation awarded by the Claims Tribunal is just, fair and reasonable and does not warrant any interference. With respect to the claim for recovery rights, the finding of the Claims Tribunal that the driver of the offending vehicle was holding a valid driving licence to drive light motor vehicle is upheld and therefore, the appellant is not entitled to any recovery rights. The appeal is dismissed.

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

8. The appellant has deposited the entire award amount in the UCO

Bank in terms of the order dated 18th May, 2012 out of which 70% has been released to respondent Nos.1 to 4.

9. List for disbursal of the balance award amount to the respondent Nos.1 to 4 on 27th March, 2020. The respondent No.1 shall remain present in the Court on the next date of hearing along with the passbook of UCO Bank.

10. UCO Bank is directed to send the report with respect to the balance amount as on today along with the interest accrued thereon.

11. Copy of the judgment be sent to the UCO Bank for compliance.

12. Copy of this order be given *dasti* to counsel for the parties under the signature of the Court Master.

FEBRUARY 06, 2020

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J.R. MIDHA, J.

न्यायमेव जयते