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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. 207/2013

MOHD. IBRAHIM & ORS.

..... Appellants

Through: Mr.Arun Yadav, Advocate

versus

IKRAM & ORS.

..... Respondents

Through: Mr.S.L. Gupta, Mr.Ashutosh Sharma,
Advocate for respondent No.3
Mr.Pankaj Seth, Advocate for
respondent No.3.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

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

1. The appellants have challenged the award of the Claims Tribunal whereby compensation of Rs.10,22,800/- has been awarded to the appellants. The appellants seek enhancement of the award amount.
2. The accident dated 30th November, 2011 resulted in death of Mohd. Shariq. The deceased was working as a technician in manufacture of cardboard boxes of jewellery. The deceased was aged 20 years at the time of the accident and was survived by his parents.
3. The Claims Tribunal took the income of the deceased as Rs.9,000/- per month; added 30% towards future prospects; deducted 50% towards his personal expenses and applied the multiplier of 14 according to the age of the mother; awarded Rs.10,000/- towards loss to estate; Rs.25,000/- towards loss of love and affection and Rs.5,000/- towards funeral expenses. Total

compensation awarded is Rs.10,22,800/-.

4. Learned counsel for the appellants urged at the time of the hearing that the future prospects of 40% be taken into consideration and the multiplier be enhanced from 14 to 18. The appellants also seek enhancement of the non-pecuniary compensation.

5. Learned counsels for respondent No.3 submit that the minimum wages of Rs.8,112/- be taken into consideration instead of Rs.9,000/-. It is further submitted that the non-pecuniary compensation be reduced according to the well settled principles. It is further submitted that the Claims Tribunal has granted recovery rights to respondent No.3 which should be applied to the enhanced award amount.

6. The income of the deceased is taken as Rs.8,122/- instead of Rs.9,000/- and the multiplier is enhanced from 14 to 18. The appellants are entitled to loss of consortium of Rs.40,000/- each; the compensation for loss to estate is enhanced from Rs.10,000/- to Rs.15,000/- and the funeral expenses are enhanced from Rs.5,000/- to Rs.15,000/-. The compensation for loss of love and affection is enhanced from Rs.25,000/- to Rs.50,000/- each.

7. Taking the income of the deceased as Rs.8,112/-; adding 40% towards future prospects; deducting 50% towards personal expenses and applying the multiplier of 18, the loss of dependency is computed as Rs.12,27,000/- (Rs.12,26,534.40 rounded off). Adding Rs.80,000/- (Rs.40,000/- each) towards loss of consortium, Rs.1,00,000/-(Rs.50,000/- each) towards loss of love and affection, Rs.15,000/- towards loss to estate and Rs.15,000/- towards funeral expenses, total compensation is computed as Rs.14,37,000/-.

8. The appeal is allowed and the compensation is enhanced from

Rs.10,22,800/- to Rs.14,37,000/- along with interest @ 9% per annum.

9. The enhanced award amount be deposited by respondent No.3 with the Registrar General of this Court within four weeks.

10. List for disbursement of the enhanced award amount on 27th March, 2020.

11. The appellants shall remain present in Court on the next date of hearing along with the passbook of their savings bank accounts near the place of their residence as well as PAN card and Aadhaar card. The concerned banks of appellants are directed not to issue any cheque book or debit card to the appellants and if the same have already been issued, the banks are directed to cancel the same and make an endorsement on their passbooks to this effect. The appellants shall produce the copy of this order to the concerned banks, whereupon the banks shall make an endorsement on the passbooks of appellants that no cheque book and/or debit card shall be issued to appellants without the permission of this Court. However, the concerned bank shall permit appellants to withdraw money from their savings bank account by means of a withdrawal form. The appellants shall produce the original passbooks of their individual savings bank accounts with the necessary endorsement on the next date of hearing.

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

J.R. MIDHA, J.

FEBRUARY 06, 2020

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