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

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Date of Decision: 03rd March, 2020

+ MAC.APP. 972/2018 & CM No.45885/2018, 10414/2019 &
43827/2019

MANOJ GUPTA

..... Appellant

Through: Mr. Shivendra Singh and Dr. M.N.
Verma, Advocates

versus

HASEEN BANO & ORS

..... Respondents

Through: Mr. S.N. Parashar, Advocate for R-1
to R-4

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.19,21,000/- have been awarded to the respondents No.1 to 4.
2. On 13th February, 2016, Afsar was going on his motorcycle on Main Seelampur, Jafrabad Road when he was hit by Bus bearing No.DL-1PB-5571 which resulted in fatal injuries. Afsar was aged 24 years at the time of the accident and he was survived by his widow, minor son and parents who claimed compensation. According to the claimants, the deceased was running a tea stall earning Rs.20,000/- to Rs.25,000/- per month.
3. The Claims Tribunal took the minimum wages of Rs.9,178/- per month as income of the deceased, added 40% towards future prospects,

deducted 1/3rd towards his personal expenses and applied the multiplier of 18 to compute the loss of dependency as Rs.18,50,285/-. The Claims Tribunal awarded Rs.40,000/- towards loss of consortium, Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses. The total compensation awarded by the Claims Tribunal is Rs.19,20,285/- which was rounded off to Rs. 19,21,000/-.

4. Learned counsel for the appellant urged at the time of the hearing that the occupation and income was not proved. It is further submitted that there is no proof of future prospects. It is submitted that the compensation awarded by the Claims Tribunal is on a higher side.

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

6. This Court is of the view that the Claims Tribunal has applied the well settled principles of law for computation of compensation. The widow of the deceased appeared in the witness box deposed that the deceased was running a tea stall. However, in the absence of the documentary proof of occupation and income, the Claims Tribunal has rightly taken the minimum wages, added 40% towards future prospects, deducted 1/3rd towards the personal expenses and applied the multiplier of 18 to compute the loss of dependency. There is no infirmity in the well reasoned findings of the Claims Tribunal.

7. The appeal is dismissed. Pending applications are disposed of.

8. Learned counsel for the appellant submits that the offending vehicle was sold by the Metropolitan Magistrate and the sale proceeds were deposited with the District Nazir who has not transferred the same to the Claims Tribunal as required by law. The District Nazir, Tis Hazari Courts, Delhi (West District) is directed to transfer the sale proceeds of the

offending vehicle to the Claims Tribunal within a period of four weeks whereupon the Claims Tribunal shall release the same to the claimants and adjust the same against the award amount.

9. The copy of the judgment be sent to the District Nazir, Tis Hazari Courts, Delhi (West District) for compliance.

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

J.R. MIDHA, J.

MARCH 03, 2020

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