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

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Date of Decision: 11th February, 2020

+ MAC.APP. 984/2017

URMILA & ORS

..... Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

IFFCO TOKIO INS CO LTD & ORS

..... Respondents

Through: Mr. J.P.N. Shahi, Advocate for R1.

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.12,08,904/- has been awarded to the appellants. The appellants are seeking enhancement of the award amount.

2. The accident dated 20th January, 2016 resulted in the death of Rajender. The deceased aged 46 years was working as a painter at the time of the accident. The deceased was survived by his widow, three sons, one daughter and mother. The Claims Tribunal took the income of the deceased as Rs.9,178/- per month; deducted 1/4th towards personal expenses and applied the multiplier of 13 to compute the loss of dependency as Rs.10,73,826/-. The Claims Tribunal awarded Rs.50,000/- towards loss of care and guidance for minor child; Rs.50,000/- towards loss of consortium; Rs.10,000/- towards loss to estate; and Rs.25,000/- towards funeral expenses. Total compensation awarded is Rs.12,08,904/-.

3. Learned counsel for the appellants urged at the time of hearing that the income of the deceased be taken as Rs.11,154/- equivalent to the minimum wages of a skilled person; 25% be added towards future prospects; compensation for loss of love and affection be enhanced to Rs.50,000/- for each of the claimant; compensation for loss of consortium be enhanced to Rs.40,000/- for each of the claimant; compensation for loss of estate be enhanced from Rs.10,000/- to Rs.15,000/-.

4. Learned counsel for respondent No.1 submits that the compensation awarded by the Claims Tribunal is just, fair and reasonable. It is further submitted that the compensation for funeral expenses be reduced from Rs.25,000/- to Rs.15,000/-.

5. There is merit in the contentions urged by the learned counsel for the appellant. The deceased was a painter and, therefore, the minimum wages of Rs.11,154/- are taken into consideration for computation of compensation and 25% are added towards the future prospects. The compensation for loss of love and affection is enhanced to Rs.50,000/- for each claimant; compensation for loss of consortium is enhanced to Rs.40,000/- for each claimant; compensation for loss of estate is enhanced to Rs.15,000/-. However, the compensation for funeral expenses is reduced from Rs.25,000/- to Rs.15,000/-. The appellant are entitled to total compensation of Rs.22,02,000/- (Rs.22,01,272.50 rounded off).

6. The appeal is allowed and the compensation amount is enhanced from Rs.12,08,904/- to Rs.22,02,000/- @ 9% per annum from the date of institution.

7. The enhanced award amount be deposited by respondent No.1 with the Registrar General of this Court. After depositing the aforesaid amount,

respondent No.1 shall be entitled to recover the same from respondent No.2 and 3 in terms of the award of the Claims Tribunal.

8. List for disbursement of the compensation amount on 03rd April, 2020.

9. The appellants shall remain present in Court on the next date of hearing along with passbooks of their savings bank accounts near the place of their residence as well as PAN card and Aadhaar card. The appellants shall produce the copy of this judgment to the concerned banks, whereupon the banks shall make an endorsement on the passbooks of the appellants that no cheque book and/or debit card shall be issued to the appellants without the permission of this Court. However, the concerned banks shall permit the appellants to withdraw money from their savings bank accounts 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.

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

FEBRUARY 11, 2020

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J.R. MIDHA, J.