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

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Date of Decision: 25th May, 2021

+ MAC.APP. 61/2020 & CM APPL. 5329/2020

**ROYAL SUNDARAM GENERAL
INSURANCE CO LTD**

..... Appellant

Through: Mr. Pankaj Gupta, Advocate.

Versus

RANI & ORS

..... Respondents

Through: Mr. G.D. Sharma, Advocate
for respondent No.1.
Mr. Kanwal Jeet Arora,
DSLISA, Member Secretary.

**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 dated 14th November, 2019 of the Claims Tribunal whereby the compensation of Rs.21,73,600/- has been awarded to respondents No.1 to 5.
2. The accident dated 10th August, 2014 resulted in the death of Ravinder. The deceased was aged 30 years at the time of the accident and was a vegetable vendor. The deceased was survived by his widow, minor daughter and son, minor sister and mother, who claimed compensation.

3. The Claims Tribunal took the minimum wages of an unskilled workman Rs.8,554/- per month as income of the deceased, added 40% towards future prospects, deducted 1/4th towards personal expenses and applied the multiplier of 17 to compute the loss of dependency as Rs.18,32,300/-. The Claims Tribunal awarded Rs.1,11,266/- towards medical expenses; Rs. 40,000/- each to all claimants towards loss of consortium i.e. Rs.2,00,000/-; Rs.15,000/- towards loss to the estate; and Rs.15,000/- towards funeral expenses. The total compensation awarded is Rs.21,73,600/- along with interest @ 9% per annum from the date of filing of petition i.e. 12th November, 2014 till realization.

4. Learned counsel for the appellant urged at the time of hearing that the compensation of Rs. 40,000/- each to all claimants towards loss of consortium i.e. Rs.2,00,000/- is on higher side and the same be reduced. Learned counsel for the respondents submit that the deceased suffered grievous injuries and remain hospitalized for four days and spent Rs.1,11,266/- on medical expenses which have been awarded. It is further submitted that no compensation has been awarded to the deceased towards the other heads for the injuries suffered by him.

5. 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. The appeal is, therefore, dismissed.

6. The appellant is directed to deposit the entire award amount along with up to date interest with DSLSA within a period of four weeks. Upon the aforesaid amount being deposited, the DSLSA shall

disburse the amount to respondents No.1 to 5 in terms of principles laid down in ***Rajesh Tyagi v. Jaibir Singh*** dated 08th January, 2021, MANU/DE/0051/2021.

7. The claimants shall remain present through video conference on the next date of hearing before DSLSA along with the passbooks of their savings bank accounts near the place of their residence as well as PAN card and Aadhaar card. The concerned banks of claimants are directed not to issue any cheque book or debit card to the claimants 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 claimants shall produce the copy of this order to the concerned bank, whereupon the bank shall make an endorsement on the passbooks of claimants that no cheque book and/or debit card shall be issued to claimants without the permission of this Court.

8. The statutory amount be refunded back to the appellant after the appellant deposits the award amount with DSLSA.

9. The Registry shall release the statutory amount after the appellant files the receipt of the deposit of the award amount with DSLSA.

10. Copy of this judgment be sent to DSLSA.

J.R. MIDHA, J.

MAY 25, 2021

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