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

+ MAC.APP. 201/2023

SUNITA & ANR.

.....Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

NATIONAL INSURANCE COMPANY LIMITED & ORS.

.....Respondents

Through: Mr. Manoj Ranjan Sinha and Mr. Vishal Agrawal, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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06.12.2024

1. The present Appeal under *Section 173* of the *Motor Vehicles Act, 1988* has been filed on behalf of the Claimants for enhancement of the compensation granted *vide* Award dated 05.01.2023 in the sum of Rs.19,23,096/- along with interest @ 6% per annum on account of demise of Sh. Manish Drall (aged 19 years) in a road accident on 22.02.2017.
2. The *only ground* of challenge is that the compensation has been calculated on the basis of Minimum Wages for Matriculate, even though deceased was a second year student of Architecture and studying in Ansal School of Architecture. Learned Counsel for the Appellant has submitted that the father of the deceased had deposited a fee of Rs.6 lakhs for two years. In view of the professional course in which he was studying, the income of the deceased should have been calculated by taking his potential income as at least Rs.20,000/- per month.
3. Learned counsel for **the Insurance Company submits** that the compensation has been calculated in accordance with law and no interference is warranted.
4. **Submissions Heard.**
5. *Briefly stated* that on 22.02.2017 at about 2.15 AM, Sh. Manish, deceased along with his friends Ashish, Vikas, Nikhil, and Sushant were going in a car bearing No. DL 6 CP 0306 from Gurgaon to Haridwar. When the car reached near Daurala Flyover towards Muzaffarnagar Highway, a Bus bearing No. UP-11-AT-0050 which



was going ahead of the car at a very high speed, rashly and negligently by its driver, suddenly applied brakes as a result of which the car met with an accident. The deceased suffered fatal injuries.

6. An FIR No. 102/2017 under Section 279/337/304A IPC was registered on 22.02.2017.

7. The learned Tribunal took the income of the deceased as per Minimum Wages and granted compensation in the sum of Rs. 19,23,096/- along with interest @ 6% per annum.

8. The Appellant has filed the documents i.e. the Fee Receipt have been placed on record to corroborate that the deceased was a student of Architecture.

9. Considering the documents and the testimony of the Claimants, it is hereby held that the income should have been calculated on the potential income rather than the Minimum Wages. Considering that he was a student of 2nd year Architecture, his potential income is assessed as Rs.20,000/- per month. The compensation is accordingly recalculated as under:-

S.No.	Heads	Compensation granted by the Tribunal	Compensation granted by this Court
1.	Income of Deceased (A)	Rs.11,830/-	Rs.20,000/-
2.	Add-Future Prospects (B)	40%	40%
3.	Less-Personal Expenses of Deceased (C)	1/2	1/2
4.	Monthly loss of Dependency [(A+B)-C=D]	Rs.8,281/-	Rs.14,000/-
5.	Annual loss of Dependency (Dx12)	Rs.99,372/-	Rs.1,68,000/-
6.	Multiplier (E)	18	18
7.	Total loss of Dependency	Rs.17,88,696/-	Rs.30,24,000/-
8.	Medical Expenses	Rs.13,400/-	Same
9.	Compensation for loss of Consortium (H)	Rs. 88,000/-	Same
10.	Compensation for loss of Estate (I)	Rs. 16,500/-	Same
11.	Compensation towards funeral expenses (J)	Rs. 16,500/-	Same



12.	Total Compensation (F+G+H+I+J=K)	Rs.19,23,096/-	Rs 31,58,400/-
13.	Rate of Interest Awarded	6% per annum	9% per annum

10. The interest has been granted @ 6% per annum which is hereby enhanced to 9% per annum. Award is accordingly modified in the same terms as the Award dated 05.01.2023.

11. **Relief:**

12. In view of the above, the Claimants are awarded total compensation of **Rs. 31,58,400/-** along with interest @9% per annum from the date of filing of the petition till realization. The Insurance Company is directed to deposit the enhanced Awarded amount within 4 weeks with the learned Tribunal, which shall be disbursed in terms of the Award.

13. With aforesaid directions, the Appeal is accordingly disposed of.

NEENA BANSAL KRISHNA, J

DECEMBER 6, 2024/rk