
(2012) 03 DEL CK 0390
In the Delhi High Court
Case No : MAC. APP. 457 of 2010

Badrun Nisha

APPELLANT

Vs

Bhordiya Girdhar and Others

RESPONDENT

Date of Decision : 06-03-2012

Acts Referred:

Citation : (2012) 03 DEL CK 0390

Hon'ble Judges : G.P. Mittal, J

Bench : Single Bench

Advocate : Manish Mannie, for the Appellant; Santha Devi Raman, for R-3, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—This appeal is for enhancement of compensation of Rs. 2,18,000/- awarded for the death of a bachelor Nafis Ahmed who died in an accident which occurred on 16.7.2007. The Claims Tribunal by the impugned judgment took the income Rs. 3,000/- per month, deducted 50% towards his personal and living expenses applied the multiplier 11 to compute the loss of dependency as Rs. 1,98,000/-. On awarding a sum of Rs. 10,000/- towards funeral expenses and Rs. 10,000/- towards loss of love and affection overall compensation of Rs. 2,18,000/- was awarded.

2. It is urged by the Learned Counsel for the Appellant that the deceased's income of Rs. 8,000/- per month, in view of unchallenged testimony of the Appellant, ought to have been accepted by the Claims Tribunal. On the other hand, the Learned Counsel for the Respondent supports the impugned judgment on the ground that in the absence of any documentary evidence, the Claims Tribunal was right in taking the deceased's income to be Rs. 3,000/- per month.

3. The appeal is bound to succeed. The Appellant's testimony that her son was working as a tailor and earning Rs. 8,000/- per month was not challenged in cross-examination. I do not see any reason not to accept the deceased's income

to be Rs. 8,000/- per month. On making provision of 50% towards his personal living expenses and applying multiplier of 11 the loss of dependency comes to Rs. 5,28,000/- ($8000 \times 12 \times 1/2 \times 11$). I add a sum of Rs. 25,000/- towards loss of love and affection, Rs. 10,000/- towards loss to estate and Rs. 10,000/- towards funeral expenses. The overall compensation comes to Rs. 5,73,000/-.

4. The enhanced compensation of Rs. 3,55,000/- shall carry interest @ 7.5% per annum from the date of filing of the petition till the date of the payment.

5. The Respondent Insurance Company is directed to deposit the enhanced amount within 30 days with the Registrar General of this Court. 25% of the enhanced amount shall be released to the Appellant forthwith. Rest 75% shall be held in Fixed Deposit in UCO Bank, Delhi High Court Branch for a period of 2 years, 4 years, 6 years in equal proportion. The appeal is allowed in above terms.