
(2013) 05 DEL CK 0158
In the Delhi High Court
Case No : MAC. APP. 478 of 2010

Bazaz Allianz General Insurance Co. Ltd. APPELLANT
Vs
Roopwati and Others RESPONDENT

Date of Decision : 23-05-2013

Acts Referred:

Citation : (2013) 6 AD 607

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Rajat Brar, for the Appellant; Amitabh Jha, for R1 to R7, for the Respondent

Judgement

Suresh Kait, J.—Instant appeal has been preferred against the impugned judgment dated 15.04.2010 whereby, the Ld. Tribunal while granting compensation has added 50% towards future prospects in favour of the respondents/claimants. The only issue, as has been argued by the counsel for the appellant, is that the Ld. Tribunal has wrongly granted 50% towards future prospects, whereas in the view of the dictum of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, which has been further affirmed by Full Bench Judgment of the Apex Court in case of Reshma Kumari and Others Vs. Madan Mohan and Another, keeping in view the age of the deceased as 42 years at the time of accident, compensation towards future prospects should have been granted as 30%.

2. Ld. Counsel appearing on behalf of the respondents/claimants does not disagree with the legal position as argued by the counsel for the appellant.

3. In view of the above, I reduce the compensation towards future prospects from 50% to 30%. Accordingly, the compensation amount would be as under:-

Accordingly, the compensation amount is reduced by Rs. 1,00,800/- (Rs. 8,36,000-Rs. 7,35,200).

4. Vide order dated 04.08.2010, appellant was directed to deposit the entire award amount and further directed upon deposit, same shall be disbursed to the claimants in terms of the award passed by the Ld. Tribunal.
5. Counsel for the respondents/claimants submitted that they have not received any amount till date and the same is lying with the Ld. Tribunal.
6. He further submitted that Respondent No. 6 Roop Ram (father of the deceased) expired on 04.11.2010, which has been recorded in the order dated 25.01.2011 passed by this Court. Accordingly, amended memo of parties was filed by impleading legal heirs of respondent No. 6.
7. I note, Ld. Tribunal has awarded Rs. 10,000/- in favour of respondent No. 6 as compensation. Counsel for the claimants submits that since it is a meagre amount, it may be directed to be released in favour of Smt. Dani, Respondent No. 7, widow of respondent No. 6 Roop Ram and mother of the deceased.
8. Accordingly, I direct the Ld. Tribunal to disburse the share of respondent No. 6 in favour of respondent No. 7, wife of respondent No. 6.
9. As informed, the cheques qua the compensation amount deposited by the appellant has become invalid. Therefore, the appellant is directed to issue fresh cheques with interest @ 7.5% per annum from the date of filing of the claim petition before the learned Tribunal till the date of realization of the amount.
10. On receipt of the amount, Ld. Tribunal is directed to release the amount in favour of the respondents/claimants in terms of the order dated 04.08.2010 passed by this Court and order dated 15.04.2010 passed by the Ld. Tribunal.
11. Instant appeal stands disposed of on the above terms. Statutory amount of Rs. 25,000/- shall be released in favour of the appellant/insurance company.