

(2011) 11 DEL CK 0006
In the Delhi High Court
Case No : MAC. App. 860 of 2010

Digamber Prasad Jain and Another	Vs	APPELLANT
Tanveer Ahmed and Others		RESPONDENT

Date of Decision : 30-11-2011

Acts Referred:

Citation : (2011) 11 DEL CK 0006

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

Bench : Single Bench

Advocate : Anil Kumar Chunduru, for the Appellant; Kanwal Chaudhary, Advocate, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—Appellants are the parents of the deceased Deepak Jain, who lost his life in a motor accident which took place on 01.08.2006. On the basis of the salary slip Ex.PW3/A, the Tribunal after taking the salary of the last eight months opined the average income of the deceased to be Rs. 6040/- per month for which he was working with M/s. Talent Maximus Pvt. Ltd., deducted 50% towards the personal expenses, applied multiplier of 11 according to the age of the deceased's mother and calculated the dependency as Rs. 3,98,640/-.

2. It is urged by the learned Counsel for the Appellant that the deceased was just at the threshold of his career. He had done "O" Level computer course and was pursuing M.A. in Hindi along with the job and, therefore, his future prospects ought to have been considered by the Tribunal making an addition of 50% to the income. It is also submitted that the amount awarded towards loss of love and affection was on the lower side.

3. It was held in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, that future prospects have to be considered where the deceased was in stable employment. In this case, the deceased was working as a Sales Executive and his salary was on month to month basis. Though, it showed an

upward trend, but still the Tribunal took the average salary for the last eight months. The fact that the deceased was pursuing M.A. in Hindi could not come in better prospects in the job which he was doing. In the circumstances, Appellants are not entitled to any loss of dependency on account of future prospects.

4. Amount of Rs. 10,000/- awarded towards loss of love and affection was on the lower side is enhanced to Rs. 25,000/-. The enhanced amount of Rs. 15,000/- shall carry interest of 7.5% per annum from the date of filing the Appeal till the payment. The Respondent No. 3 New India Assurance Company Ltd. is directed to deposit the amount with the Registrar General of this Court within six weeks which shall be released to Appellant No. 2 immediately.

5. The Appeal is allowed as indicated above. No costs.