
(2013) 09 DEL CK 0211
In the Delhi High Court
Case No : Mac. App. 914 of 2011

ICICI Lombard General Insurance Co. Ltd.	APPELLANT
Vs	
Raj Kesari Devi and Others	RESPONDENT

Date of Decision : 16-09-2013

Acts Referred:

Citation : (2013) 09 DEL CK 0211

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Neerja Sachdeva, for the Appellant; M.K. Sinha, for R1 to R4, for the Respondent

Final Decision : Dismissed

Judgement

Suresh Kait, J.—Vide the instant appeal, appellant has assailed the impugned award dated 07.07.2011, whereby Id. Tribunal has granted compensation for a sum of Rs. 13,05,640/- with interest @ 7.5% per annum from the date of filing the petition, till the date of realization. Id. Counsel appearing on behalf of the appellant has argued the instant appeal on two grounds; firstly, the claimants failed to prove that the deceased was working as a plumber and he was earning Rs. 10,000/- per month. Despite that the Id. Tribunal has assessed the salary of the deceased as Rs. 6,448/- as per minimum wages for a skilled person.

2. The second ground argued by the Id. Counsel for the appellant is that Id. Tribunal has wrongly added 50% towards future prospects, whereas keeping in view the dictum of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, , which has been further affirmed by the Full Bench of Supreme Court in the case of Reshma Kumari & Ors. Vs. Madan Mohan & Anr. delivered in Civil Appeal No. 4646 of 2009, since the deceased was not in the permanent job, therefore, the Id. Tribunal should not have added 50% towards future prospects.

3. Id. Counsel further submits that towards love and affection and loss of consortium Id. Tribunal has wrongly granted Rs. 75,000/- (Rs. 25,000 x 3) and

Rs. 50,000/- respectively without any basis.

4. I note, Insurance Company has not brought any evidence on record contrary to that the deceased was working as a plumber as has been established by the claimants. Though the claimants have claimed that the deceased was earning Rs. 10,000/- per month, however, they could not prove the same by way of any account or any salary certificate. Therefore, I am of the considered opinion that the Id. Tribunal has rightly assessed the monthly salary as per the minimum wages for a skilled person.

5. So far as the issue of future prospects is concerned, in the case of Rajesh and Others Vs. Rajbir Singh and Others, , the Apex Court has opined that if the age of the deceased is up to 40 years, 50% future prospects have to be granted. In the present case, the age of the deceased was 40 years at the time accident. Therefore, keeping in view the dictum of Rajesh & Ors. (Supra), I am of the view that Id. Tribunal has rightly added 50% towards future prospects.

6. So far as the issue of compensation towards love and affection and loss of consortium is concerned, res-integra same has been considered by the Full Bench of the Apex Court in the Rajesh & Ors. (Supra).

7. In view of above, I do not find any discrepancy in the award passed by the Id. Tribunal.

8. Accordingly, instant appeal is dismissed.

9. Consequently, balance award amount shall be released in favour of the respondents/claimants. Statutory amount be also released in favour of the appellant.