(2012) 11 DEL CK 0111

In the Delhi High Court

Case No : MAC. App. 900 of 2012

ICICI Lombard General Insurance Co. Ltd. — APPELLANT

Vs

Rani Verma and Others — RESPONDENT

Date of Decision : 01-11-2012

Acts Referred:

Citation : (2012) 11 DEL CK 0111

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

Bench : Single Bench

Advocate : Suman Bagga, for the Appellant; Amit Kumar Pandey, Advocate for R-1 to R-2, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—The Appeal is for reduction of compensation of Rs. 9,35,580/- awarded by the Motor Accident Claims Tribunal (the Claims Tribunal) in favour of Respondents No. 1 and 2 for the death of their son Ankit Chauhan, a bachelor, who died in a motor vehicle accident, which occurred on 28.11.2010. The only ground of challenge raised by the learned counsel for the Appellant Insurance Company is that the multiplier ought to have been applied as per the age of the deceased''s mother. The Claims Tribunal erred in applying the multiplier as per the age of the deceased.

2. It is well settled that in a Claim Petition filed by the legal representatives for the death of a person, the multiplier will be as per the age of the deceased or the Claimant, whichever is higher (U.P. State Road Transport Corporation and Others Vs. Trilok Chandra and Others,).

3. The proposition of law is not disputed by the learned counsel for the Respondents.

4. In the circumstances, the appropriate multiplier as per age of the deceased''s mother would be ''15''. Thus the loss of dependency comes to Rs. 7,54,650/- (6450/- + 30% x 12 x 1/2 x 15).

5. A perusal of the impugned judgment shows that a sum of Rs. 10,000/- was awarded towards loss of love and affection. Normally, a sum of Rs. 25,000/- is awarded under this head. The compensation for loss of love and affection is enhanced to Rs. 25,000/-.

6. The overall compensation thus comes to Rs. 7,99,650/- which is rounded off to Rs. 8,00,000/-

7. The excess compensation of Rs. 1,35,580/- along with proportionate interest and the interest accrued, if any, during the pendency of the Appeal shall be refunded to the Appellant Insurance Company.

8. The compensation awarded shall be disbursed/held in fixed deposit in favour of the Claimants in terms of the order passed by the Claims Tribunal.

9. By an order dated 30.08.2012, the execution of the impugned award was stayed subject to payment of 75% of the award amount. The balance amount, if any, be deposited with the UCO Bank, Delhi High Court Branch.

10. The statutory deposit of Rs. 25,000/- be refunded to the Appellant Insurance Company, subject to making up deficiency in the Court fees of Rs. 734/-.

11. The Appeal is allowed in above terms. Pending Applications also stand disposed of.