
(2009) 12 DEL CK 0287
In the Delhi High Court
Case No : MAC. APP. No. 78 of 2009

Irfan Khatoon and Another	Vs	APPELLANT
Hariom Saxena and Another		RESPONDENT

Date of Decision : 14-12-2009

Acts Referred:

Citation : (2009) 12 DEL CK 0287

Hon'ble Judges : J.R. Midha, J

Bench : Single Bench

Advocate : O.P. Mannie, for the Appellant; Suman Bagga, for R-2, for the Respondent

Final Decision : Allowed

Judgement

J.R. Midha, J.—The appellants have challenged the award of the learned Tribunal whereby compensation of Rs. 1,52,000/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 23rd July, 2006 resulted in the death of Mohd. Shakeel. The deceased was survived by his parents who filed the claim petition before the learned Tribunal.

3. The deceased was aged 30 years at the time of the accident. The learned Tribunal took the minimum wages of Rs. 3,300/- per month into consideration, deducted 1/3rd and applied the multiplier of 5 to compute the loss of dependency at Rs. 1,32,000/-. Rs. 20,000/- has been awarded towards loss of consortium, loss of love and affection and funeral expenses. The total compensation awarded is Rs. 1,52,000/-.

4. The learned Counsel for the appellants have urged the following two grounds at the time of hearing of this appeal:

(i) The multiplier be enhanced from 5 to 11.

(ii) The compensation be awarded for loss of estate.

5. The appellant was aged 55 years at the time of death of her son and the appropriate multiplier according to the schedule of the Motor Vehicles Act at the age of 55 years is 11. The multiplier is, therefore, enhanced from 5 to 11.
6. The learned Tribunal has not awarded any compensation for loss of estate. Rs. 2,500/- is awarded towards loss of estate. The appellant is entitled to the total compensation of Rs. 3,12,900/- [(Rs. 3,300 x 2/3 x 12 x 11) + Rs. 20,000 + Rs. 2,500].
7. The appeal is allowed and the award amount is enhanced from Rs. 1,52,000/- to Rs. 3,12,900/- along with interest @7% per annum.
8. The enhanced award amount along with interest be deposited by respondent No. 2 with UCO Bank, Delhi High Court Branch A/c Irfan Khatoon by means of a cheque through Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) within 30 days.
9. Upon the aforesaid deposit being made, UCO Bank is directed to release 50% of the same to the appellant. The remaining amount be kept in fixed deposit for 1 1/2 years.
10. Dasti.