
(2017) 09 DEL CK 0340
In the Delhi High Court
Case No : MAC. Appeal No. 598 Of 2016

Kiran Devi & Ors	Vs	APPELLANT
Megma Hdi Gen Ins Co Ltd & Ors		RESPONDENT

Date of Decision : 19-09-2017

Acts Referred:

Citation : (2017) 09 DEL CK 0340

Hon'ble Judges : R.K.Gauba, J

Bench : Single Bench

Advocate : Anshuman Bal, Ved Tripathi, Vidisha

Final Decision : Disposed Of

Judgement

R.K.Gauba, J

1. The only contention urged by the claimants in this appeal is that the award under the non-pecuniary heads of damages granted in the sum of

Rs.1,00,000/- each towards loss of love and affection and loss of consortium, Rs.10,000/- towards loss of estate besides Rs.25,000/-on account of

funeral expenses, by judgment dated 02.04.2016, on the accident claim case (suit no.532/2014) on account of the death of Sarvesh Kumar is

inadequate. It is noted that the claimants had proved at the inquiry before the tribunal that the death had occurred due to the negligent driving of the

motor vehicle described as a Dumper bearing registrtaionno.HR-55G-7823 admittedly insured against third party risk with the first respondent (insurer)

for the period in question on which liability to pay the compensation was fastened.

2. Following the ruling in Shriram General Insurance Co Ltd v. Usha, MAC.APP.No.160/2015, decided on 05.05.2016, the plea of the claimants being

found to be correct, the awards under the non-pecuniary heads of damages are increased to Rs.1,50,000/- each towards loss of love and affection and

loss of consortium and Rs.50,000/- each towards loss of estate and funeral expenses. Thus, there shall be a net increase in the award by

[Rs.4,00,000/- (-) Rs.2,35,000/-] Rs.1,65,000/- (Rupees One Lakh and sixty five thousand only).

3. It is directed that the enhanced portion of the award shall also carry interest at the rate of 9% p.a. (nine percent) as levied by the tribunal and shall

fall to the share of the first appellant Kiran Devi / widow, it to be released to her in the form of interest bearing fixed deposit receipt taken out from a

nationalized bank in her name for a period of ten years with right to draw periodic interest. The first respondent is directed to satisfy the enhanced

award by requisite deposit with the tribunal within 30 days.

4. The appeal is disposed of in above terms.