

(2012) 09 DEL CK 0503
In the Delhi High Court
Case No : MAC. APP. 1011 of 2012

Maresh John Peter and Another	Vs	APPELLANT
Raj Kumar and Others		RESPONDENT

Date of Decision : 20-09-2012

Acts Referred:

Citation : (2012) 09 DEL CK 0503

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

Bench : Single Bench

Advocate : Manish Maini, for the Appellant; K.L. Nandwani, Advocate for R-3 Insurance Company, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—The Appeal is for enhancement of compensation of Rs. 4,60,000/- awarded by the Motor Accident Claims Tribunal (the Claims Tribunal) in favour of the Appellants for the death of George Peter who died in a motor vehicle accident which occurred on 21.11.2007. On appreciation of evidence, the Claims Tribunal found that the accident was caused on account of rash and negligent driving of the Truck bearing No. HR-38-BG-2764 by Respondent No. 1 which was owned by Respondent No. 2 and insured with Respondent No. 3.

2. It was proved that the deceased was earning Rs. 5,000/- per month. The Claims Tribunal applied the multiplier of 14 (as per the age of the deceased's mother) to compute the loss of dependency as Rs. 4,20,000/-(5000 x 12 x 1/2 x 14).

3. The sole contention raised by the Appellants is that even in the absence of any evidence with regard to the future prospects, the Appellants were entitled to an addition in the deceased's salary to the extent of 30% towards inflation, on the basis of the judgment of the Supreme Court in Santosh Devi Vs. National Insurance Company Ltd. and Others, .

4. I would agree with the learned counsel for the Appellants. The loss of

dependency, therefore, comes to Rs. 5,46,000/- ($60,000 + 30\% \times \frac{1}{2} \times 14$) instead of Rs. 4,20,000/-.

5. The compensation is thus, enhanced by Rs. 1,26,000/- which shall carry interest @ 7.5% per annum from the date of filing of the Petition till its payment.

6. The enhanced compensation shall be deposited with the Claims Tribunal within six weeks.

7. Sixty percent of the enhanced compensation shall be held in Fixed Deposit for a period of two years and four years in equal proportion. Rest shall be released on deposit.

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