
(2012) 01 DEL CK 0001
In the Delhi High Court
Case No : MAC. APP. No. 913 of 2011

Mamta and Others

APPELLANT

Vs

U.P.S.R.T.C. and Others

RESPONDENT

Date of Decision : 30-01-2012

Acts Referred:

Citation : (2012) 01 DEL CK 0001

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

Bench : Single Bench

Advocate : Manish Maini, for the Appellant; Shadab Khan, Advocate proxy counsel for Ms. Garima Prasad, Advocate for the Respondents No. 1 and 2, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—It is submitted by the learned counsel for the Appellants that a Cross-Appeal has been preferred by the U.P. State Road Transport Corporation. The learned counsel for the U.P.S.R.T.C. submits that the Appeal filed has already been dismissed in the month of December, 2011.

2. This Appeal is for enhancement of compensation for the death of Pradeep Sharma, who was aged about 22 years at the time of the accident, which took place on 20.07.2008. The Motor Accident Claims Tribunal by the impugned award dated 07.07.2011 granted a compensation of Rs. 9,71,000/-.

3. The Appellants' grievance is that the deceased's future prospects in employment were not taken into consideration by the Tribunal while computing the loss of dependency in spite of the fact that there was ample evidence on record to show that the deceased was in permanent employment. It is urged that the compensation awarded towards loss of love and affection is very meagre. In my view the Appeal must succeed.

4. The Appellants examined PW-3 Sandeep Srivastava, Management Representative Satyadeep Engineering Company (the deceased's employer). The

witness proved the Attendance Register from February, 2008 to July, 2008 as Ex. PW-3/2, deceased's PF record as Ex. PW-3/3 and other documents relating to his employment. In cross-examination the witness deposed that the deceased was working as an Assistant Accountant since February, 2008. He was appointed in the company on the basis of an interview. He was working on a permanent post. A suggestion was given to this witness that the deceased was not working with the said company. However, no evidence was adduced by the Respondents to challenge PW-3's testimony. It is important to note that the deceased was a Commerce graduate from Delhi University and was working on the post of Assistant Accountant on permanent basis. Simply because he was in the job for just six months before he met with the tragic death in the accident would not be an impediment to hold that the deceased being a young Commerce graduate from a prestigious University had bright future prospects. He was in permanent job and on the basis of the ratio in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, , the Appellants were entitled for the benefit of future prospects. The compensation is re-assessed as under: -

(a)

Loss of Dependency

-

Rs. 14,04,000/-

[Rs. 6,500/- + 50% ? 1/3rd x 12 x 18 = 14,04,000/-]

(b)

Love and Affection

-

Rs. 25,000/-

(c)

Loss of Consortium

-

Rs. 10,000/-

(d)

Loss of Estate

-

Rs. 10,000/-

(e)

Funeral Expenses

-

Rs. 10,000/-

TOTAL

-

Rs. 14,59,000/-

5. The enhanced compensation shall carry interest @ 7.5% per annum and shall be deposited in UCO Bank, Karkardooma Courts Branch, Delhi through the Claims Tribunal and shall be apportioned in the proportion and released/ held in Fixed Deposit in terms of the impugned award.

6. The Appeal is allowed in above terms.