
(2020) 03 DEL CK 0291

In the Delhi High Court

Case No : MAC.APP. No. 972 Of 2018, Civil Miscellaneous No. 45885 Of 2018, 10414, 43827 Of 2019

Manoj Gupta

APPELLANT

Vs

Haseen Bano & Ors

RESPONDENT

Date of Decision : 03-03-2020

Acts Referred:

Citation : (2020) 03 DEL CK 0291

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

Bench : Single Bench

Advocate : Shivendra Singh, Dr. M.N. Verma, S.N. Parashar

Final Decision : Dismissed

Judgement

J.R. Midha, J

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.19,21,000/- have been awarded to the respondents

No.1 to 4.

2. On 13th February, 2016, Afsar was going on his motorcycle on Main Seelampur, Jafrabad Road when he was hit by Bus bearing No.DL-1PB-5571

which resulted in fatal injuries. Afsar was aged 24 years at the time of the accident and he was survived by his widow, minor son and parents who

claimed compensation. According to the claimants, the deceased was running a tea stall earning Rs.20,000/- to Rs.25,000/- per month.

3. The Claims Tribunal took the minimum wages of Rs.9,178/- per month as income of the deceased, added 40% towards future prospects, deducted

1/3rd towards his personal expenses and applied the multiplier of 18 to compute the loss of dependency as Rs.18,50,285/-. The Claims Tribunal

awarded Rs.40,000/- towards loss of consortium, Rs.15,000/-towards loss of estate and Rs.15,000/- towards funeral expenses. The total compensation awarded by the Claims Tribunal is Rs.19,20,285/- which was rounded off to Rs. 19,21,000/-.

4. Learned counsel for the appellant urged at the time of the hearing that the occupation and income was not proved. It is further submitted that there is no proof of future prospects. It is submitted that the compensation awarded by the Claims Tribunal is on a higher side.

5. Learned counsel for the claimants submits that the compensation awarded by the Claims Tribunal is just, fair and reasonable.

6. This Court is of the view that the Claims Tribunal has applied the well settled principles of law for computation of compensation. The widow of the

deceased appeared in the witness box deposed that the deceased was running a tea stall. However, in the absence of the documentary proof of

occupation and income, the Claims Tribunal has rightly taken the minimum wages, added 40% towards future prospects, deducted 1/3rd towards the

personal expenses and applied the multiplier of 18 to compute the loss of dependency. There is no infirmity in the well reasoned findings of the Claims

Tribunal.

7. The appeal is dismissed. Pending applications are disposed of.

8. Learned counsel for the appellant submits that the offending vehicle was sold by the Metropolitan Magistrate and the sale proceeds were deposited

with the District Nazir who has not transferred the same to the Claims Tribunal as required by law. The District Nazir, Tis Hazari Courts, Delhi (West

District) is directed to transfer the sale proceeds of the offending vehicle to the Claims Tribunal within a period of four weeks whereupon the Claims

Tribunal shall release the same to the claimants and adjust the same against the award amount.

9. The copy of the judgment be sent to the District Nazir, Tis Hazari Courts, Delhi (West District) for compliance.

10. Copy of this judgment be given dasti to counsels for the parties under signature of the Court Master.