
(2009) 08 DEL CK 0323
In the Delhi High Court
Case No : MAC. APP. 10 of 2009

Neelam Pawar and Others	Vs	APPELLANT
National Insurance Co. Ltd. and Others		RESPONDENT

Date of Decision : 07-08-2009

Acts Referred:

Citation : (2011) ACJ 1109 : (2011) 4 TAC 268

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

Bench : Single Bench

Advocate : Kundan Kumar, for the Appellant; Sonia Sharma, for R-3, 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. 15,68,128/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 11th April, 2006 resulted in the death of Namdev Pawar. The deceased was survived by his widow, two sons and mother who filed the claim petition before the Learned Tribunal.

3. The deceased was aged 38 years at the time of the accident and was working as a Constable with Delhi Police. The income of the deceased at the time of the accident was Rs. 11,000/-. The Learned Tribunal deducted 1/3rd towards the personal expenses and applied the multiplier of 16 to compute the loss of dependency at Rs. 14,08,128/-. Rs. 50,000/- has been awarded towards the loss of consortium, Rs. 50,000/- towards loss of love and affection and Rs. 10,000/- has been awarded towards the funeral expenses. The total compensation awarded is Rs. 15,68,128/-.

4. The learned Counsel for the appellant has urged two grounds at the time of hearing of this appeal. First ground is that the learned Tribunal has not taken the future prospects into consideration. The second ground urged is that the personal

expenses of the deceased should be taken to be 1/4th instead of 1/3rd.

5. The Hon''ble Supreme Court in the case of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, has held that the claimants are entitled to future prospects by adding 50% of the salary of the deceased having a permanent job. The Hon''ble Supreme Court has further held that the personal expenses of the deceased shall be taken to be 1/4th where the deceased has left behind more than three legal representatives. Following the aforesaid judgment, the income of the deceased for computation of compensation is taken to be Rs. 16,500/- (Rs. 11,000/- + Rs. 5,500/-). The personal expenses of the deceased are taken to be 1/4th instead of 1/3rd following the aforesaid judgment.

6. The learned Tribunal has applied the multiplier of 16, whereas the appropriate multiplier as per the Judgment of the Hon''ble Supreme Court in the case of Sarla Verma (supra) for the age group of 36 to 40 is 15. The multiplier is, therefore, reduced from 16 to 15. The Hon''ble Supreme Court has further held that the appropriate compensation for loss of consortium is Rs. 10,000/- and therefore, the compensation of Rs. 50,000/- awarded by the learned Tribunal for loss of consortium is reduced to Rs. 10,000/-. The compensation of Rs. 50,000/- towards the love and affection also reduced from Rs. 50,000/- to Rs. 10,000/-. The Learned Tribunal has not awarded any compensation for loss of estate. Rs. 10,000/- is awarded for loss of estate.

7. The appellants are entitled to the compensation of Rs. 22,27,500/- by taking the income of the deceased to be Rs. 16,500/-, deducting 1/4th towards the personal expenses of the deceased and applying the multiplier of 15 (Rs. 16,500 x 3/4 x 12 x 15). Adding Rs. 10,000/- towards the loss of consortium; Rs. 10,000/- towards the loss of love and affection; Rs. 10,000/- towards the loss of estate and Rs. 10,000/- towards the funeral expenses, the total amount is computed to Rs. 22,67,500/-.

8. The appeal is allowed and the award amount is enhanced from 15,68,128/- to Rs. 22,67,500/-. The learned Tribunal has awarded interest @9% per annum from the date of filing of the petition till realization. The rate of interest is not disturbed on the original award amount of Rs. 15,68,128/-. However, on the enhanced award amount, the rate of interest shall be 7.5% from the date of filing of the petition till the realization.

9. The enhanced award amount along with interest be deposited by the respondent No. 3 in the UCO Bank A/c Ms. Neelam Pawar. The cheque be drawn in the name of UCO Bank A/c Ms. Neelam Pawar to be handed over to Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400).

10. The order in respect of the aforesaid disbursement of the award amount shall be passed on the next date of hearing after hearing the appellants. The appellants are directed to remain present in the Court on the next date of hearing.

11. List for directions on 6th October, 2009.

12. Copy of this order be given "Dasti" to learned Counsel for the parties under the signature of Court Master.