

(2012) 07 DEL CK 0090
In the Delhi High Court
Case No : Mac. App. 123 of 2012

New India Assurance Co. Ltd.

APPELLANT

Vs

Brahmdev Singh and Others

RESPONDENT

Date of Decision : 09-07-2012

Acts Referred:

Citation : (2012) 07 DEL CK 0090

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

Bench : Single Bench

Advocate : Abhishek Kumar, for the Appellant; Anshuman Bal, R-3 to R-7, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—This Appeal is directed against a judgment dated 01.11.2011 passed by the Motor Accident Claims Tribunal (the Claims Tribunal) (in Suit No.876/2009) whereby a compensation of Rs. 33,30,068/- was awarded for the death of Yashpal who died in a motor vehicle accident which occurred on 22.11.2009. During hearing of the Appeal, learned counsel for the Appellant confined his challenge to the impugned judgment only on the ground that the compensation of Rs. 1,00,000/- awarded towards loss of love and affection was exorbitant and excessive.

2. Loss of love and affection can never be measured in terms of money. Thus, uniformity has to be adopted by the Courts while granting non-pecuniary damages. The Supreme Court in Sunil Sharma and Others Vs. Bachitar Singh and Others, and in Baby Radhika Gupta and Others Vs. Oriental Insurance Co. Ltd. and Others, granted only Rs. 25,000/- (in total to all the claimants) under the head of loss of love and affection. Thus, I would reduce the compensation under this head from Rs. 1,00,000/- to Rs. 25,000/- only.

3. The overall compensation is reduced from Rs. 33,30,068/- to Rs. 32,55,068/- with interest @ 7.5% per annum as awarded by the Claims Tribunal.

4. By order dated 01.12.2012, the Appellant Insurance Company was granted stay of execution of the award subject to deposit of the entire award amount.
5. A sum of Rs. 75,000/- along with proportionate interest and the interest accrued, if any, during the pendency of the Appeal shall be refunded to the Appellant Insurance Company.
6. The Appeal is allowed in above terms.
7. The statutory amount of Rs. 25,000/- shall be refunded to the Appellant Insurance Company. Pending Applications also stand disposed of.