
(2011) 12 DEL CK 0056
In the Delhi High Court
Case No : MAC App. 689 of 2010

New India Assurance Company Ltd.

APPELLANT

Vs

Seema Gupta and Others

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2011) 12 DEL CK 0056

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

Bench : Single Bench

Advocate : Neerja Sachdeva, for the Appellant; Sanjeev Srivastava, for R-1 to R-4, for the Respondent

Final Decision : Dismissed

Judgement

G.P. Mittal, J.—The Appellant New India Assurance Co. Ltd. impugns the award dated 12.07.2010 whereby a compensation of Rs. 15,94,027/- was awarded by the Tribunal in respect of death of Sandeep Gupta, who died in a motor accident, which took place on 17.04.2007. The award is challenged on the following grounds: -

- (i) The income of the deceased as per the last income tax return was taken into consideration. The Tribunal ought to have considered income tax return for the last 3 years.
- (ii) The interest was granted @ 8% whereas it ought to have been granted @ 7.5% per annum as per Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another,
- (iii) A compensation of Rs. 30,000/- was awarded towards loss of love and affection, which was on the higher side.

2. The deceased was the proprietor of Prakash Cable Network and as per the income tax return for the year 2006 - 2007, he had an income of Rs. 1,23,088/- per annum. The deceased was aged 35 years. The calculation of dependency on

the last income tax return of the deceased in the circumstances cannot be said to be unjustified.

3. In *Sarla Verma v. DTC* (supra) the interest was awarded @ 7.5% per annum but there are judgments where the interest at higher rates have been granted. The interest granted @ 8% cannot be said to be excessive. As far as grant of compensation of Rs. 30,000/- towards loss of love and affection is concerned, normally a compensation of Rs. 25,000/- is awarded under this head. In some cases compensation higher than this amount has been granted. It may be noticed that no amount was awarded towards loss of estate. The overall compensation of Rs. 15,94,027/- awarded by the Tribunal cannot be said to be excessive or arbitrary. There is no ground to interfere with the award.

4. The appeal is devoid of any merit and is accordingly dismissed. The statutory amount of Rs. 25,000/-, if deposited, shall be released to the Appellant New India Assurance Co. Ltd.