

(2011) 11 DEL CK 0113
In the Delhi High Court
Case No : Mac. App. 242 of 2011

Pushpa Devi Etc.

APPELLANT

Vs

Bhagirathi Yadav and Others

RESPONDENT

Date of Decision : 18-11-2011

Acts Referred:

Citation : (2011) 11 DEL CK 0113

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

Bench : Single Bench

Advocate : Jatinder Kamra, for the Appellant; Manjusha Wadhwa Advocate for R-3, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—This appeal is for enhancement of claim of compensation for the death of one Chander Pal who was aged about 32 years and gainfully employed at the time of the accident. Since the income of the of the deceased was not proved, the Tribunal took the minimum wage of a skilled workman i.e. Rs. 4358/- per month; added 50% towards the future prospects/inflation; deducted one-fourth towards the personal expenses; applied the multiplier of 16 and calculated the dependency at Rs. 9,66,328/-. The Appellants do not dispute the quantum of dependency. It is urged by the Appellants' counsel that the non pecuniary damages towards the loss of estate, loss of consortium and funeral expenses were on the lower side. It is urged that the deceased was a young person aged about 32 years and left behind a widowed mother, a widow and two minor children. Some compensation towards the loss of love and affection ought to have been granted by the Tribunal.

2. In Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, the Supreme Court held that an amount in the range of Rs. 5,000/- to Rs. 10,000/- towards the loss of estate, Rs. 5,000/- to Rs. 10,000/- under the head of loss of consortium and actual amount towards the funeral expenses should be awarded.

3. In this case, a sum of Rs. 10,000/- each was awarded towards the loss of estate and loss of consortium which is in conformity with Sarla Verma (supra). No evidence was led by the Appellants with regard to actual funeral expenses; thus award of a sum of Rs. 5,000/- on this count cannot be faulted.

4. The deceased was survived by a widowed mother, a young widowed (wife) and two minor children. I award a sum of Rs. 25,000/- towards loss of love and affection.

5. The Appeal is allowed and the impugned award is modified to the extent that the Respondent No. 3 Insurance Company is liable to pay an additional sum of Rs. 25,000/- towards the loss of love and affection along with interest @ 7.5 % per annum from the date of filing of the petition before the Tribunal till the date of payment. Respondent No. 3 Insurance Company is directed to deposit the enhanced amount with the UCO Bank, Delhi High Court Branch, New Delhi within six weeks in the saving bank account of Appellant No. 1 Smt. Pushpa Devi (wife of the deceased) who shall be paid the entire enhanced amount.

6. The appeal is allowed and the impugned award is modified to the extent indicated above. No costs. Copy of the order may be sent to the trial court for information and compliance.