

(2009) 11 DEL CK 0353

In the Delhi High Court

Case No : MAC. APP. No. 128 of 2007

Rajeev Jaggi and Others

APPELLANT

Vs

National Insurance Co. Ltd. and Others

RESPONDENT

Date of Decision : 19-11-2009

Acts Referred:

Citation : (2009) 11 DEL CK 0353

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

Bench : Single Bench

Advocate : C. Siddharth, for the Appellant; Mohan Babu Aggarwal, for R-1, 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. 13,23,000/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 6th July, 2001 resulted in the death of Sudesh Jaggi. The deceased was survived by her husband and two sons who filed the claim petition before the learned Tribunal.

3. The deceased was aged 46 years at the time of the accident and was working in the Department of Revenue, Ministry of Finance, drawing a salary of Rs. 12,337/- per month. The learned Tribunal deducted 1/3rd towards the personal expenses of the deceased and took the monthly dependency of the appellant to be Rs. 8,158/- and after applying the multiplier of 13, the loss of dependency was computed at Rs. 12,72,648/-. The learned Tribunal has awarded Rs. 10,000/- towards funeral expenses, Rs. 20,000/- towards loss of love and affection and Rs. 20,000/- towards loss of consortium. The learned Tribunal has awarded total compensation of Rs. 13,23,000/- to the appellants.

4. The learned Counsel for the appellants has urged two grounds at the time of hearing of this appeal:

(i) The future prospects of the deceased be taken into consideration.

(iii) The compensation be awarded for loss of estate.

5. It is well settled by the recent judgment of the Hon"ble Supreme Court in the case of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, that the future prospects of the deceased aged between 40 and 50 years has to be taken by adding 30% of the salary of the deceased.

6. Following the aforesaid judgment of the Hon"ble Supreme Court, the future prospects of 30% are taken into consideration and the income of the deceased for computation of the compensation is taken to be Rs. 16,038/- (Rs. 12,337 + 30% of Rs. 12,337).

7. Taking the income of the deceased to be Rs. 16,038/-, loss of dependency is computed to be Rs. 16,67,952/- (Rs. 16,038 X 2/3 X 12 X 13).

8. The learned Tribunal has not awarded any compensation for loss of estate. Rs. 10,000/- is awarded towards loss of estate. The total compensation is computed to be Rs. 17,27,952/- (Rs. 16,67,952 + Rs. 10,000 + Rs. 20,000 + Rs. 20,000 + Rs. 10,000).

9. The appeal is allowed and the award amount is enhanced from Rs. 13,23,000/- to Rs. 17,27,952/- along with interest @7.5% per annum from the date of filing of the petition till realization.

10. The enhanced award amount along with interest be deposited by respondent No. 1 with UCO Bank, Delhi High Court Branch A/c Rajeev Jaggi by means of a cheque through Mr. M.M. Tandon, Member-Retail Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400) within 30 days.

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

12. List on 22nd December, 2009.

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