
(2009) 10 DEL CK 0051

In the Delhi High Court

Case No : Mac. App. No. 467 of 2005

Ram Chander and Others

APPELLANT

Vs

Tirath Singh and Others

RESPONDENT

Date of Decision : 27-10-2009

Acts Referred:

Citation : (2009) 10 DEL CK 0051

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

Bench : Single Bench

Advocate : Akshai Malik, for the Appellant; Manoj Ranjan Sinha, for R-2, 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. 4,29,760/- has been awarded to the appellants. The appellants seek enhancement of the award amount.

2. The accident dated 23rd October, 1997 resulted in the death of Braham Prakash. The deceased was survived by his widow and parents who filed the claim petition before the learned Tribunal.

3. The deceased was aged 26 years at the time of the accident and was working as a vegetable vendor earning Rs. 3,000/- to Rs. 3,500/- per month. However, in the absence of any documentary evidence in support of the income, the learned Tribunal took the minimum wages of Rs. 1,860/- and after taking the future prospects into consideration, and applying the multiplier of 18, the loss of dependency was computed as Rs. 4,01,760/-. Rs. 5,000/- has been awarded towards loss of consortium, Rs. 10,000/- towards loss of love and affection, Rs. 10,000/- towards loss of expectancy of life and Rs. 3,000/- towards funeral expenses. The total compensation awarded is Rs. 4,29,760/-.

4. The learned Counsel for the appellants submit that the widow of the deceased remarried after the accident and has left the appellants who are the parents of

the deceased and were solely dependent upon the deceased. The appellants are poor persons working as labourers. The widow of the deceased has not challenged the award before this Court. The appellants have challenged the award on the ground that no compensation has been awarded towards the loss of estate. The appellants further submit that the compensation for loss of love and affection is inadequate and should be enhanced.

5. In the peculiar facts and circumstances of this case and considering the condition of the appellants who are present in the Court, Rs. 10,000/- is awarded towards loss of estate and the compensation for loss of love and affection is enhanced from Rs. 10,000/- to Rs. 25,000/-.

6. The appeal is allowed and the award amount is enhanced from Rs. 4,29,760/- to Rs. 4,54,760/- (Rs. 4,01,760 + Rs. 5,000 + Rs. 10,000 + Rs. 25,000 + Rs. 3,000 + Rs. 10,000). The learned Tribunal has awarded interest @9% per annum which is not disturbed on the original award amount. However, on the enhanced award amount, rate of interest shall be 7.5% per annum.

7. Respondent No. 2 is directed to deposit the enhanced award amount along with interest with UCO Bank A/c Kamla Devi within 30 days.

8. Upon the said amount being deposited, UCO Bank is directed to release 50% of the same to the appellants by transferring the same to their joint Saving Bank Account. The remaining 50% amount be kept in fixed deposit for a period of one year.

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