(2021) 05 DEL CK 0221

In the Delhi High Court

Case No : MAC. Appeal No. 284 Of 2015, Civil Miscellaneous Application No. 46351 Of 2017, 7484 Of 2020, 9009 Of 2021

Reliance General Insurance Co Ltd APPELLANT

Vs

Sunita & Ors RESPONDENT

Date of Decision : 27-05-2021

Acts Referred:

Citation : (2021) 05 DEL CK 0221

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

Bench : Single Bench

Advocate : A. K. Soni, Priyanka Dagar

Final Decision : Partly Allowed

Judgement

J.R. Midha, J

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.32,72,500/- has been awarded to the respondents.

2. The accident dated 01st November, 2009 resulted in the death of Pyare Lal. The deceased was driving a scooter which was hit by a motorcycle

which resulted in fatal injuries. The deceased was aged 36 years at the time of accident and was survived by his widow and three minor children who

claimed compensation.

3. The deceased was self employed and was earning Rs.15,000/-per month. The Claims Tribunal took the income of the deceased as Rs.15,000/- per

month, added 50% towards future prospects, deducted 1/4th towards personal expenses and applied the multiplier of 15 to compute the loss of

dependency as Rs.30,37,500/-. The Claims Tribunal has awarded Rs.10,000/- towards loss of estate, Rs.1,00,000/- towards loss of love and affection, Rs.1,00,000/-towards consortium and Rs.25,000/- towards funeral expenses. Total compensation awarded is Rs.32,72,500/-.

4. Learned counsel for the appellant urged at the time of hearing that the negligence has not been proved. It is further submitted that the future

prospects be reduced from 50% to 40% and the non-pecuniary compensation be reduced to Rs.40,000/- per claimant towards loss of consortium,

Rs.15,000/- towards loss of estate and Rs.15,000/- towards funeral expenses.

5. Learned counsel for respondents submit that compensation awarded by the Claims Tribunal is just, fair and reasonable and does not warrant any

interference.

6. The Claims Tribunal held the negligence of the offending vehicle as per the chargesheet filed in criminal case. This Court does not find any infirmity

in the said finding. The income of the deceased is taken as Rs.15,000/- per month. However, the future prospects are reduced from 50% to 40%. The

non-pecuniary damages are reduced to Rs.40,000/- for consortium for each claimant, Rs.15,000/- towards loss of estate and Rs.15,000/- towards

funeral expenses. Taking the income of the deceased as Rs.15,000/-per month, adding 40% towards future prospects, deducting 1/4th towards

personal expenses and applying the multiplier of 15, the loss of dependency is computed as Rs.28,35,000/-, adding Rs.1,60,000/- towards consortium

(Rs.40,000/- per claimant), Rs.15,000/- loss to estate and Rs.15,000/- towards funeral expenses, total compensation is computed as Rs.30,25,000/-.

7. The appeal is partly allowed and compensation is reduced from Rs.32,72,500/- to Rs.30,25,000/- along with interest @ 8% per annum from the date

of filing of petition w.e.f. 25th November, 2009. Pending applications are disposed of.

8. The Registry shall compute the amount payable to the respondents in terms of this judgment. The amount so computed be sent to DSLSA within

four weeks whereby DSLSA shall disburse the amount to the claimants in terms of principles laid down in Rajesh Tyagi v. Jaibir Singh, judgment

dated 08th January, 2021 within four weeks.

9. The balance amount after sending the award amount to DSLSA be refunded back to the appellant.

10. The statutory amount be also refunded back to the appellant.

11. Copy of this judgment be sent to DSLSA.