

(2012) 08 DEL CK 0132
In the Delhi High Court
Case No : Mac. App. 916 of 2012

Reliance General Insurance Co. Ltd.

APPELLANT

Vs

Yashpal Singh and Others

RESPONDENT

Date of Decision : 27-08-2012

Acts Referred:

Citation : (2012) 08 DEL CK 0132

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

Bench : Single Bench

Advocate : Sameer Nandwani, for the Appellant;

Judgement

G.P. Mittal, J.

CM Appl. 14581/2012 (Exemption)

Exemption allowed, subject to all just exceptions.

The Application is allowed.

Mac. App. 916/2012

1. The Appeal is for reduction of compensation of Rs. 6,85,486/- awarded in favour of Respondents No. 1 to 4 for the death of Praveen Kumar @ Mintu who died in a motor vehicle accident which occurred on 15.09.2009. On appreciation of evidence, the Claims Tribunal found that the accident was caused due to rash and negligent driving of truck No. HR-38M-3525 by Respondent No. 5 which was owned by Respondent No. 6 and insured with the Appellant. It was proved that the deceased was a bachelor and the Claimants are the three brothers and one sister of the deceased.

2. On appreciation of evidence, the Claims Tribunal found that the deceased was earning Rs. 1,92,790/- per annum. On applying the multiplier of "17", the deceased would have earned a sum of Rs. 32,77,430/-. The Claims Tribunal opined that since the Claimants were the major brothers and sister, 20% of the

amount earned could be taken as loss to estate and thus awarded a compensation of Rs. 6,55,486/- towards the same, Rs. 25,000/- towards loss of love and affection and Rs. 5,000/- towards funeral expenses.

3. It is urged by the learned counsel for the Appellant that the compensation awarded towards loss to estate is excessive and exorbitant.

4. In *A. Manavalagan Vs. A. Krishnamurthy and Others*, a Division Bench of Karnataka High Court dealt with the question of award of compensation in case of death of spouse where both spouses were working and in case of a bachelor where the Claimants are non-dependent brothers/sisters. In the said case, the Division Bench held that where the husband and wife are residing together, award of compensation towards the loss to estate would be one-third of the deceased's income. Similarly, it was held that where the deceased was a bachelor and Claimants were two non-dependents brother and sister aged 47 years and 45 years, the tendency of the bachelor would be to spend more and the Court granted 15% of the deceased's income as compensation to the non-dependents/Claimants towards loss to estate.

5. In this case two of the Claimants (the brothers) were employed with the deceased brother. Although, the three brothers and one unmarried sister were not financially dependent on the deceased, yet considering the number of legal representatives and the fact that the two of the Claimants were working with the deceased, award of compensation to the extent of 20% of the deceased's income towards loss to estate cannot be said to be exorbitant or excessive.

6. The Appeal is devoid of any merit; it is accordingly dismissed in limini.

7. The statutory deposit of Rs. 25,000/-, if any, shall be refunded to the Appellant. Pending Applications stand disposed of.