
(2011) 12 DEL CK 0058

In the Delhi High Court

Case No : Mac. App. 1118 of 2011 and CM. No. 22441 of 2011 (delay)

Sarita and Others

APPELLANT

Vs

Birju and Others

RESPONDENT

Date of Decision : 13-12-2011

Acts Referred:

Citation : (2011) 12 DEL CK 0058

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

Bench : Single Bench

Advocate : Parul Sharma, for counsel for Mr. Anurag Jain, for the Appellant;

Final Decision : Dismissed

Judgement

G. P. Mittal, J.—The Appellants seek enhancement of compensation in respect of death of Divakar Prasad who died in an accident which took place on 24.10.2007. The deceased was a little more 30 years on the date of the accident. The Tribunal by the impugned order believed the deceased's salary to be Rs. 5,000/- per month plus allowance of Rs. 600/- per month towards Provident Fund employer's contribution, Rs. 237/- towards ESI contribution and payment of Rs. 700/- per month (Rs. 8,400/- per annum) towards bonus. Thus, the deceased's salary was taken as Rs. 6,537/- per month. The Tribunal made addition of 50% towards future prospects and applied the multiplier of "16" to calculate the dependency. In addition, the Tribunal granted a sum of Rs. 10,000/- towards loss of estate, Rs. 10,000/- towards funeral expenses and Rs. 40,000/- towards loss of love and affection. It is contended by the learned counsel for the Appellant that it was deposed by PWs1 and 3 that the deceased had a very good future prospects and, therefore, future prospects more than 50% of the deceased's income ought to have been considered. There is no extraordinary qualification which would persuade this Court to take this case as an exception as laid down in *Sarla Varma V. Delhi Transport Corporation*, 2009 (6) Sc 129. The overall compensation of Rs. 14,72,016/- granted by the Tribunal is just and proper. There is no ground to interfere in the impugned award.

2. The Appeal is devoid of merit; the same is accordingly dismissed.