
(2012) 03 DEL CK 0388
In the Delhi High Court
Case No : MAC. APP. 534 of 2008

Shashi Rawat and Others

APPELLANT

Vs

Anshul Gupta and Others

RESPONDENT

Date of Decision : 20-03-2012

Acts Referred:

Citation : (2012) 03 DEL CK 0388

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

Bench : Single Bench

Advocate : Santosh Chaurasia, for the Appellant; Suman Bagga, for R3, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—The Appeal is for enhancement of compensation of Rs. 14,42,000/- awarded for the death of Suresh Singh Rawat, who died in an accident which occurred on 06.11.2006. In the absence of any Appeal by the owner or the Insurance Company, I am not to go into the finding of negligence which has become final between the parties.

2. The contentions raised on behalf of the Appellants are:-

(i) The deceased was in settled employment having good future prospects yet the Claims Tribunal did not make any addition on account of future prospects.

(ii) The rate of interest awarded was on the lower side.

3. The deceased was in employment with Martin and Herries Pvt. Ltd. since the year 2000 and he continued to work with this company till his death due to accident in the year 2006. The deceased's salary was continuously increasing from time to time. The Appellants No. 1 to 5 produced Harsh Kumar PW-1, who testified about the deceased's salary. He deposed that the deceased was promoted to the post of Assistant Branch Manager w.e.f. 01.09.2006. He could have been promoted to the post of Branch Manager and could have become

Regional Manager before the age of his retirement and would have drawn a salary of Rs. 25,000/- per month.

4. In view of the evidence produced, on the basis of principle laid down in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, , the Appellants were entitled to addition of 50% considering that the deceased was aged 34 years on the date of the accident. The deceased was getting a sum of Rs. 1,800/- towards conveyance allowance and Rs. 1,000/- as uniform allowance. These allowances being incidental to employment, these amounts are liable to be deducted from the salary of the deceased. The compensation is computed as under:-

Compensation awarded by Claims Tribunal

Compensation awarded by this Court

1.

Loss of dependency

Rs. 13,82,000/- -

Rs. 17,26,272/(Rs. 10,792-2,800+50%x3/4x12x16)

2.

Love and Affection

Rs. 50,000/-

Rs. 25,000/-

3.

Funeral Expenses

Rs. 5,000/-

Rs. 10,000/-

4.

Loss to Estate

Rs. 5,000/-

Rs. 10,000/-

5.

Loss of Consortium

Nil

Rs. 10,000/-

Total

Rs. 14,42,000/-

Rs. 17,81,272/-

5. The Claims Tribunal awarded interest @ 7.5% per annum. The interest rates on bank deposits have started rising since the year 2009. Bank's rate of interest on Long Term Deposits is about 9% per annum since January, 2010. The Appellants would be entitled to interest on the enhanced compensation of Rs. 3,39,272/- @ 7.5% from the date of filing of the petition till 31.12.2009 and then @9% per annum w.e.f. 01.01.2010 till the date of payment.

6. The Respondent No. 3 is directed to deposit the compensation within six weeks from today.

7. Statutory amount shall also be refunded to the Appellants.

8. The Appeal is allowed in above terms. Dasti to the counsel for Respondent No. 3.