

(2012) 05 DEL CK 0417

In the Delhi High Court

Case No : FAO. No. 715 of 2003 and CM. Appl No. 4050 of 2009

Smt. Hira Devi and Others

APPELLANT

Vs

New India Assurance Co. Ltd. and Others

RESPONDENT

Date of Decision : 16-05-2012

Acts Referred:

Citation : (2012) 05 DEL CK 0417

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

Bench : Single Bench

Advocate : Nitinjya Chaudhary with Mr. Aatreya Singh, for the Appellant; Pankaj Seth, Advocate for the Respondent No. 1 Insurance Company, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—The Appellant impugns a judgment dated 03.03.2003 passed by the Claims Tribunal whereby a compensation of Rs. 1,58,400/- was awarded for the death of Rameshwar Dayal Gupta who died in an accident which occurred on 19.10.1991. During the course of hearing, the only ground urged by the learned counsel for the Appellant is that no non-pecuniary damages were granted by the Claims Tribunal while awarding the compensation.

2. The learned counsel for the Appellant is right that appropriate compensation ought to have been granted by the Claims Tribunal towards non-pecuniary damages. Considering that this accident took place in the year 1991, I award a compensation of Rs. 15,000/- towards loss of love and affection and Rs. 10,000/- each towards loss to estate and loss of consortium and Rs. 5,000/- towards funeral expenses.

3. The enhanced compensation of Rs. 40,000/- shall carry interest @ 9% per annum from the date of filing of the Petition till the date of the award i.e. 03.03.2003 and @ 7.5% per annum from 04.03.2003 till the date of payment.

4. The First Appellant has since died. This accident took place 21 years back. All the children of the deceased are now grown up. It is urged by the learned

counsel for the Appellants that the entire enhanced compensation be made payable to the Second Appellant. Thus, it is directed that the enhanced compensation along with interest shall be payable only to the Second Appellant Vishnu Kumar.

5. The Respondent No. 1 New India Assurance Co. Ltd. is directed to deposit the enhanced amount along with interest in the name of the Second Appellant in UCO Bank, Delhi High Court Branch within six weeks which shall be released immediately to him (the Second Appellant) on deposit.

6. The Appeal is allowed in above terms.

7. A copy of the order be given Dasti to the counsel for the Respondent No. 1 Insurance Company for compliance.