
(2011) 08 DEL CK 0176
In the Delhi High Court
Case No : MAC. APP. 723 of 2010

Smt. Meena Khanna and Ors

APPELLANT

Vs

Ram Niwas and Others

RESPONDENT

Date of Decision : 05-08-2011

Acts Referred:

Citation : (2011) 08 DEL CK 0176

Hon'ble Judges : Indermeet Kaur, J

Bench : Single Bench

Advocate : Jitinder Kumar, for the Appellant; Shantha Devi Raman, for the Respondent

Judgement

Indermeet Kaur, J.—The award impugned is dated 19.07.2010 vide which compensation in the sum of Rs. 3,51,100/- had been awarded in favour of the claimant. There is no dispute that the deceased aged about 58 years, namely, Hari Kishan, had died on 16.06.2007. Since his salary could not be proved, the minimum wages drawn on the relevant date were taken into account which was Rs. 3470/- on the date of the accident. The counsel for the Appellant is aggrieved by the impugned Award under the head of "loss of dependency" which is Rs. 2,81,000/-. His contention is that the minimum wages would have doubled in the next 10 years but this aspect of price rise and index inflation has not been considered by the Tribunal. The Award under this head calls interference. The counsel for the Appellant has placed reliance upon a judgment of this Court which is reported, I (2010) ACC 120 New India Assurance Co. Ltd. v. Jagpati and Ors." wherein similar facts where the deceased was aged 58 years minimum wages had been considered and keeping in view the cateena of judgments of this Court reported in "Kanwar Devi v. Bansal Roadways I (2009) ACC 583" Lekh Raj and Another Vs. Suram Singh and Others, and " National Insurance Company Ltd. Vs. Renu Devi and Others, " the fact of minimum wages getting doubled over a period of 10 years because of inflation and rise in price index, judicial notice had been taken of this factum and 50% had been added to the minimum

wages which was drawn by the deceased.

2. The ratio of this judgment would be fully applicable to the instant facts. Reliance placed by the learned Counsel for the Appellant to dislodge this argument by relying upon the judgments of the Apex Court reported in "2011 SCC PS Somanathan and Ors. v. District Insurance Officers and Anr.", "2008 (3) SCC (Cri) 95 Smt. Vijaya Kulkarni and Others Vs. Smt. Rukhmini Bai Kulkarni and Others, State Road Transport Corporation v. Sarita Tyagi and Ors.", and "2009 (13) SCC 656 Raj Rani and Ors. v. Oriental Insurance Co. Ltd. and Ors." is mis-placed. They were all on other distinct propositions.

3. The Award under the head of "loss of dependency" would accordingly now read as under:

3470 X 1735 (50%)

= 5205 - one quarter (expenses) = to 1301

= 3904 X 12 X 9

= Rs. 4,21,632/-

4. The modified amount under the head of "loss of dependency" would be Rs. 4,21,632/-. No other ground has been urged. Appeal is disposed of in terms of the above.