

(2012) 05 DEL CK 0329
In the Delhi High Court
Case No : Mac. App. 1159 of 2011

Smt. Seema and Others

APPELLANT

Vs

Reliance General Insurance Co. Ltd and Others

RESPONDENT

Date of Decision : 22-05-2012

Acts Referred:

Citation : (2012) 05 DEL CK 0329

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

Bench : Single Bench

Advocate : Peeyush Sharma, for the Appellant;

Final Decision : Allowed

Judgement

G.P. Mittal, J.—This Appeal is for enhancement of compensation of Rs.13,66,376/- in favour of the Appellant for the death of Pradeep Kumar who died in an accident which occurred on 06.09.2009. The only ground of challenge is that it was established during enquiry before the Motor Accident Claims Tribunal that the deceased was employed as a motor mechanic with M/s Global Automobiles DTC Depot on a salary of Rs.6,000/- per month. He had good future prospects and could be promoted to the rank of Supervisor with a salary of Rs.15,000/- per month.

2. It is urged that the Claims Tribunal instead of granting 50% addition on account of future prospects, confined it to just 30%.

3. The Appeal must succeed on the basis of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, , where it was held that wherever the deceased was below 40 years of age and had a permanent job, the actual salary (less tax) should be increased by 50% towards future prospects. The loss of dependency thus works out to be Rs.12,96,000/- ($6000 + 50\% \times 3/4 \times 12 \times 16$) instead of 11,23,200/-.

4. No other contention has been raised. The compensation is accordingly

enhanced by Rs.1,72,800/- which shall carry interest @7.5% per annum from the date of filing of the petition till the date of payment. The entire enhanced amount shall enure for the benefit of the Appellant No. 1 and shall be deposited in the name of Appellant No. 1 in SBI, Saket District Court Branch within eight weeks.

5. The Appeal is allowed in above terms. No costs.