

(2017) 10 DEL CK 0088

In the Delhi High Court

Case No : MAC. Appeal No. 652 Of 2011

Sukhbir Singh & Ors

APPELLANT

Vs

ICICI Lombaard General Insurnace Co. Ltd.

RESPONDENT

Date of Decision : 30-10-2017

Acts Referred:

Citation : (2017) 10 DEL CK 0088

Hon'ble Judges : R.K. Gauba, J

Bench : Single Bench

Advocate : S.N. Parashar, Pankaj Gupta, Suman Bagga

Final Decision : Disposed Of

Judgement

R.K.Gauba, J

1. The Tribunal, by judgment dated 16.03.2011, in accident claim case (suit no. 226/2010) instituted by the appellants (collectively, the claimants) has awarded compensation on account of death of Surinder Pal in motor vehicular accident that occurred on 20.03.2005 due to negligent driving of car bearing registration no. DL 5CP 0054, fastened the liability on the first respondent (insurer), it admittedly having issued an insurance policy covering third party risk in respect of the said vehicle for the period in question, determining the compensation in the total sum of Rs. 11,60,000/- adding the element of interest @ 7.5 % per annum.

2. The appeal by the claimants is pressed to submit that the awards under the non-pecuniary heads of damages and the rate of interest levied are deficient.

3. Indeed, having regard to the rulings in Rajesh & Ors. v. Rajbir Singh & Ors., (2013) 9 SCC 54 and Shashikala V. Gangalakshamma (2015) 9 SCC 150, such awards being deficient compensation in the sum of Rs. 1,00,000/- each on account of loss of love & affection and loss of consortium and Rs. 25,000/- each towards loss of estate and funeral expense are added.

4. Thus, there shall be a net increase in the award by (2,50,000 - 80,000) Rs. 1,70,000/- (Rupees One lac and Seventy thousand only). Following the consistent view taken by this Court [see judgment dated 22.02.2016 in MAC.APP. 165/2011 Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.], the rate of interest is increased to 9% per annum from the date of filing of the petition till realization.

5. The entire enhanced award and the effect of increase in the rate of interest shall be paid as the amount apportioned in favour of third claimant Usha Devi (widow) only, it to be released to her in the form of interest bearing fixed deposit receipt taken out from a nationalised bank in her name for a period of seven years with right to draw periodic interest.

6. The insurer is directed to satisfy the enhanced award by requisite deposit with the tribunal within thirty days.

7. The appeal is disposed of in above terms.