

(2009) 07 DEL CK 0259

In the Delhi High Court

Case No : Mac. App. No. 329 of 2009

Suman Lata and Others

APPELLANT

Vs

Suraj Bhan and Others

RESPONDENT

Date of Decision : 31-07-2009

Acts Referred:

Citation : (2009) 07 DEL CK 0259

Hon'ble Judges : J.R. Midha, J

Bench : Single Bench

Advocate : P.S. Singh, for the Appellant; Amit Kumar Pandey, for R-4, for the Respondent

Judgement

J.R. Midha, J.

CM No. 9564/2009 (Delay)

1. For the reasons stated in the application, the delay in filing of the appeal is condoned.

2. The application stands disposed of.

MAC. APP. No. 329/2009

3. This claim petition arises out of the death of Desh Raj. The deceased was aged 42 years and was running a shop. However, in the absence of any documentary proof, the learned Tribunal took the minimum wages of Rs. 3,500/- and after taking judicial notice of increase in minimum wages, the same was assessed at Rs. 5,250/- per month. 1/3rd was deducted towards the personal expenses of the deceased and applying the multiplier of 15, the loss of dependency was taken at Rs. 6,30,000/-. Rs. 40,000/- has been awarded for funeral expenses, loss of consortium and loss of love and affection. The total compensation was computed at Rs. 6,70,000/-.

4. The Learned Counsel for the appellant seeks enhancement of multiplier on the

ground that the deceased was aged 40 years according to the school leaving certificate - Ex.PW1/4. However, no interference is called for in the multiplier because even taking the age to be 40 years, the multiplier according to the recent judgment of the Hon''ble Supreme Court in the case of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, .

The Learned Counsel for the appellant submits that there is sufficient evidence to prove the income of the deceased as per the Panchayat certificate. The view taken by the learned Tribunal in taking the income of the deceased according to the minimum wages is just, fair and reasonable and does not call for any interference as the evidence is not sufficient to prove the income of the deceased.

5. The learned Tribunal has not awarded any compensation towards the loss of estate. Rs. 10,000/- is awarded towards the loss of estate.

6. The appeal is allowed and the compensation is enhanced from Rs. 6,70,000/- to Rs. 6,80,000/- along with interest @7.5% per annum from the date of filing of the petition till realization.

7. Respondent No. 4 is directed to deposit the enhanced award amount along with interest with the learned Tribunal and the same be released to the claimants.

8. Copy of this order be given "Dasti" to Learned Counsel for the parties under the signature of Court Master.