(2009) 08 DEL CK 0208

In the Delhi High Court

Case No : Mac. App. No. 22 of 2007

The New India Assurance Co. Ltd. — APPELLANT

Vs

Jagpati and Others — RESPONDENT

Date of Decision : 10-08-2009

Acts Referred:

Citation : (2009) 08 DEL CK 0208

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

Bench : Single Bench

Advocate : R.K. Tripathi, for the Appellant; Manish Maini Advocate for O.P. Goyal, for the Respondent

Final Decision : Dismissed

Judgement

J.R. Midha, J.

CM No. 465/07, CM No. 4807/08 and MAC No. 22/07

1. The appellants have challenged the award of the learned Tribunal whereby compensation of Rs. 3,30,000/- has been awarded to the claimant/respondent No. 1.

2. The accident dated 2nd October, 2005 resulted in the death of Ram Nath Pal. The deceased was survived by his widow who filed the claim before the Tribunal.

3. The deceased was aged 58 years and was in private service with M/s Kumar Traders earning Rs. 4,500/-. However, in the absence of any documentary evidence to prove the income, the learned Tribunal took the minimum wages of Rs. 3,200 for an unskilled worker and added 50% of the same towards future prospects. The learned Tribunal deducted 1/3rd towards the personal expenses of the deceased and applied the multiplier of 8 to compute the financial dependency of the petitioner at Rs. 3,10,000/-. Rs. 10,000/-has been awarded towards consortium and Rs. 10,000/- has been awarded towards funeral rites. Total compensation awarded is Rs. 3,30,000/-.

4. The only ground of challenge urged at the time of hearing of this appeal is that the future prospects should not be taken into consideration.

5. It is well settled by the catena of judgments of this Court in the cases of Kanwar Devi and Others Vs. Bansal Roadways and Others, , Lekh Raj and Another Vs. Suram Singh and Others, and National Insurance Company Ltd. Vs. Renu Devi and Others, and UPSRC v. Munni Devi MAC. APP. No. 310/2007 that minimum wages get doubled over the period of 10 years due to inflation and rise in price index and, therefore, judicial notice should be taken and income for computation of compensation be taken as average of the minimum wages and its double.

6. The learned Tribunal has added 50% of the minimum wages towards future prospects. In fact, 50% of the minimum wages should have been added towards the inflation and increase in price index in terms of the aforesaid judgments and not towards future prospects. Be that as it may, 50% of the minimum wages added by the learned Tribunal are treated towards the increase in minimum wages due to inflation and rise in price index.

7. The addition of 50% of minimum wages is upheld but as increase in minimum wages due to inflation and increase in price index and not as future prospects.

8. There is no merit or substance in this appeal, which is dismissed.

9. The appellant has deposited 50% of the award amount along with interest in terms of the order dated 12th January, 2007. The ex-parte stay on the remaining 50% award amount is hereby vacated. The appellant is directed to deposit the remaining 50% of the award amount with the learned Tribunal within 30 days. Upon aforesaid deposit being made, the learned Tribunal shall release the same to claimant/respondent No. 1.

10. CM 465/07 is dismissed. CM No. 4807/2008 is allowed.

11. After the deposit of the entire award amount along with interest the appellant shall furnish the proof of deposit, whereupon the Registry shall release the statutory amount of Rs. 25,000/- to the appellant through counsel.

12. Copy of this order be given ''Dasti'' to learned counsel for the parties under the signature of Court Master.