

(2017) 09 DEL CK 0091

In the Delhi High Court

Case No : MAC. Appeal No. 704 Of 2016

United India Insurance Company Ltd

APPELLANT

Vs

Anita & Ors.

RESPONDENT

Date of Decision : 26-09-2017

Acts Referred:

Citation : (2017) 09 DEL CK 0091

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

Bench : Single Bench

Advocate : Pankaj Seth, S.N. Parashar, Pankaj Kumari

Final Decision : Dismissed

Judgement

J.R. Midha, J

1. The appellant has challenged the award of the Claims Tribunal whereby compensation of Rs.34,65,689/- has been awarded to the respondents.

2. The accident dated 16th June, 2009 resulted in death of Yash Sidana. The deceased was aged 21 years at the time of the accident and was in the

6th semester of B.Tech (Mechanical & Automation Engineering) at Al-Falah School of Engineering and Technology affiliated with M.D.University,

Rohtak, Haryana. The deceased was survived by his parents who filed the claim petition before the Claims Tribunal.

3. The Claims Tribunal took income of the deceased as Rs.26,851/-, added 50% towards future prospects, deducted 50% towards his personal

expenses and applied the multiplier of 14 according to the age of the mother to compute the loss of dependency as Rs.32,39,806.50. The Claims

Tribunal awarded Rs.90,882.46 towards the medical expenses, Rs.1,00,000/- towards loss of love and affection, Rs.10,000/- towards loss of estate,

Rs.25,000/-towards funeral expenses. Total compensation awarded is Rs.34,65,689/-along with interest @ 9% per annum.

4. Learned counsel for the appellant urged at the time of the hearing that the income of the deceased has been taken on higher side and the future

prospects should not be taken into consideration for computing the compensation.

5. The Claims Tribunal took the income of the deceased as Rs.26,851/-following the judgment of this Court in HDFC Ergo General Insurance Co. Ltd.

v. Lalta Devi, 2015 ACJ 2526 in which this Court took the income of a B.Tech third year student in a similar university as Rs.26,851/- according to the

salary drawn by a Junior Engineer. The learned Tribunal has also taken into consideration that the deceased had passed the 5th semester in December

2008 and had received the approval for six weeks industrial training with Indian Airlines. The Claims Tribunal also considered the mark sheets of the

deceased for 3rd, 4th and 5th semester along with certificate of excellence for 3rd semester and deceased had stood first in the 3rd semester

examination in December, 2007. The Claims Tribunal also considered the statement of PW-2 who was a class fellow of the deceased and had initially

joined Maxim Group in 2011 at a monthly salary of Rs.16,000/- as Production Engineer and thereafter, another company with a package of

Rs.4,34,000/- per annum with 18% increment in the salary.

6. This Court is of the view that the income of the deceased computed by the Claims Tribunal and the future prospects added thereon are fair and

reasonable and does not warrant any interference. There is no merit in this appeal, which is hereby dismissed.

7. The appellant has deposited the award amount with UCO Bank, Delhi High Court Branch in terms of order dated 2nd September, 2016 and the said

amount has been disbursed to respondents no.1 and 2 vide order dated 24th

8. Copy of this judgment be given dasti to counsel for the parties under the signature of the Court Master.