

(2013) 10 DEL CK 0107
In the Delhi High Court
Case No : Mac. App. 675 of 2012

Universal Sompo General Insurance Company Limited	APPELLANT
Vs	
Sudha and Others	RESPONDENT

Date of Decision : 25-10-2013

Acts Referred:

Citation : (2013) 10 DEL CK 0107

Hon'ble Judges : Suresh Kait, J

Bench : Single Bench

Advocate : Rajat Khattry, for the Appellant;

Final Decision : Dismissed

Judgement

Suresh Kait, J.—The present appeal has been preferred against the award dated 14.05.2012, whereby Id. Tribunal has granted compensation for a sum of Rs. 14,03,228/- with interest @ 7.5 % per annum from the date of filing the petition till realization in favour of the respondents/claimants. Counsel appearing on behalf of the appellant has argued the only ground that the claimants could not prove that the deceased was in a permanent employment. Despite, Id. Tribunal while considering the salary of the deceased on the basis of Minimum Wages Act at Rs. 7917/- per month has added 50% towards future prospects.

2. To strengthen his arguments, Id. counsel has relied upon the case of Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, which has been followed in Reshma Kumari & Ors. Vs. Madan Mohan & Anr. delivered in Civil Appeal No. 4646 of 2009 on 02.04.2013. He has also relied upon the judgment delivered by this Court in MAC Appeal No. 677/2012 titled as Universal Sompo General Insurance Company Ltd. Vs. Rajkumari and Ors. delivered on 01.03.2013 wherein this Court has granted 30% towards future prospects in case of persons self-employed or engaged on fixed wages.

3. It is pertinent to mention here that recently, this issue has been decided by the Apex Court in the case of Rajesh and Others Vs. Rajbir Singh and Others,

and this court has followed in the case of ICICI Lombard Gen. Ins. Co. Ltd. v. Angrez Singh & Ors. in MAC. 846/2011. Therefore, this issue is no more res integra.

4. The age of the deceased on the date of accident was 22 years, therefore, keeping in view the law laid down by the Apex Court in the case of Rajesh and Ors. (supra), I find no discrepancy in the impugned award dated 14.05.2012 wherein the Tribunal has added 50% towards future prospects. No other ground has been argued by the counsel for the appellant.

5. In view of the above noted settled law, the instant appeal is dismissed with no orders as to costs.

6. Vide order dated 15.02.2013, 50% of the award amount was directed to be released in favour of the respondents/claimants.

7. Therefore, the balance compensation amount be released in favour of the respondents/claimants. Statutory amount be released in favour of the appellant/insurance company.