
(2012) 02 DEL CK 0506

In the Delhi High Court

Case No : MAC. App. No. 222 of 2010

Urmila Yadav and Others

APPELLANT

Vs

Shri Chand Naran Jasuja and Another

RESPONDENT

Date of Decision : 27-02-2012

Acts Referred:

Citation : (2012) 02 DEL CK 0506

Hon'ble Judges : G.P. Mittal, J

Bench : Single Bench

Advocate : Manjeet Chawla, for the Appellant; Manoj R. Sinha, Advocate for the Respondent No. 2 Insurance Company, for the Respondent

Final Decision : Allowed

Judgement

G.P. Mittal, J.—The Appellant seeks enhancement of compensation of `18,75,408/- awarded for the death of Karan Veer Singh Yadav who died in an accident which occurred on 26.07.2006. It is not in dispute that the deceased was working as a Personal Assistant in Prime Minister's Office. Evidence has been led that he had good future prospects. The Claims Tribunal took the deceased's income to be `17,552/- on the ground that the deceased's actual income on the date of the death is to be taken into consideration. The Claims Tribunal misinterpreted the words "actual income of the deceased at the time of death" used in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, If the salary is revised retrospectively, the revised salary on the date of death becomes the actual income. The certificate Ex.PW1/A shows that the deceased's salary on the date of the death was `19,380/- per month which comes to `2,32,560/-. The deceased had a liability to pay income tax amount to `19,200/- thereon. Considering his age i.e. 48 years, 30% addition was required to be made in the deceased's salary towards future prospects for the purpose of computing the loss of dependency. The loss of dependency thus comes to `24,03,856/- ($\text{`19,380} \times 12 - 19200 \text{ (Income Tax)} + 30\% \times 13 \times 2/3$).

2. Loss of love and affection cannot be `30,000/-. The Supreme Court in Sunil

Sharma and Others Vs. Bachitar Singh and Others, and in Baby Radhika Gupta and Others Vs. Oriental Insurance Co. Ltd. and Others, granted only ` 25,000/- (in total to all the claimants) under the head of loss of love and affection. I would follow the same. The compensation under the head of loss of love and affection is reduced from ` 30,000/- to ` 25,000/-.

3. The overall compensation is re-computed as under:

S. No.

Head of Compensation

Granted by the Claims Tribunal

Granted by this Court

1.

Loss of Dependency

` 18,25,408/-

` 24,03,856/-

2.

Loss of Love and Affection

` 30,000/-

` 25,000/-

3.

Loss of Consortium

` 10,000/-

` 10,000/-

4.

Funeral Expenses

` 5,000/-

` 10,000/-

5.

Loss to Estate

` 5,000/-

` 10,000/-

Total

` 18,75,408/-

` 24,58,856/-

4. The overall compensation is enhanced from ` 18,75,408/- to ` 24,58,856/- which shall carry interest @ 7.5% per annum from the date of filing of the Petition till the date of payment.

5. The Respondent No. 2 Insurance Company is directed to deposit the enhanced amount along with interest within 30 days with the Registrar General of this Court.

6. The entire enhanced amount of compensation shall enure for the benefit of the deceased's widow i.e. the First Appellant. 25% of the enhanced amount along with proportionate interest shall be released forthwith on deposit. Rest of the amount shall be held in Fixed Deposit for a period of one, two and three years respectively in equal sum. The Appeal is allowed in above terms.