(2021) 03 UK CK 0178

Uttarakhand High Court

Case No: Appeal From Order No. 217 Of 2008, 348 Of 2017

New India Assurance Company Limited And Others		APPELLANT
	Vs	
Jeewanti Tiwari And Others		RESPONDENT

Date of Decision: March 25, 2021

Citation: (2021) 03 UK CK 0178

Hon'ble Judges: Ravindra Maithani, J

Bench: Single Bench

Advocate: P.C. Maulekhi, Akhil Kumar Shah, Rajesh Joshi

Final Decision: Dismissed/ Allowed

Judgement

Sl.No.,Head,Amount

1.,Salary per month,"Rs. 13,014/-

2.,Multiplier,15

3.,"Annual Income Rs. 13,014/- x 12","Rs. 1,56,168/-

4.,"Personal expenses Rs. 1,56,168 x 1/3","Rs. 46,850.4

5.,"Annual Income of the deceased Rs. 1,56,168 Ã¢â‚¬" Rs.

46,850.4","Rs. 1,04,112/-

6.,"Loss of dependency Rs. 1,04,112 x 15","Rs. 15,61,680/-

7.,"In addition to it, Rs. 10,000/- was given for funeral expenses, treatment, etc.","Rs. 10,000/-

8.,Total compensation,"Rs. 15,71,680/-

15. The salary of the deceased is not disputed. It is Rs. 13,014/-per month. There were four dependent members in the family, therefore, in view of",,

the judgment in the case of Sarla Verma (supra), the amount on personal expenses would be 1/4th of the income (para 30 of the judgment in the case",,

of Sarla Verma (supra)). 1/4th of Rs. 13,014/-comes to Rs. 3,253.50/-. If personal expenses of Rs. 3,253.50/- is deducted from the monthly salary of",,

Rs. 13,014/-, it comes out to be Rs. 9760.50/-",,

16. In view of the judgment in the case of National Insurance Company Limited Vs. Pranay Sethi and others, (2017) 16 SCC 680, 30% of the income",,

should be added as future prospects (para 59.3 in the case of Pranay Sethi (supra)). 30% of Rs. 9,760.50/- is equal to Rs. 2,928.15/- and if this",,

amount is added to Rs. 9,760.50/-, it comes to be Rs. 12,688.65/-. It has to be multiplied by 12 to get annual income. Loss of annual income is Rs.",,

1,52,263.8 (Rs. 12,688.65/- x 12 = Rs. 1,52,263.8/-).",,

17. In the instant case, the multiplier of 15 would be applicable. If Rs. 1,41,4636.80/- is multiplied by 15, it comes to be Rs. 22,83,957.00/-The",,

claimants are entitled to this compensation under the head of loss of dependency.,,

18. The respondent nos.1 to 4 are also entitled to Rs. 15,000/- against funeral expenses, Rs. 15,000/- against loss of estate. There are four dependents,",,

the wife, children and mother of the deceased. In view of the judgment, in the case of New India Assurance Company Ltd. Vs. Somwati and others,",,

(2020) 9 SCC 644, all of them are entitled to loss of consortium @ Rs. 40,000/- each. Therefore, the respondent nos.1 to 4 are also entitled to Rs.",,

1,60,000/- under the head of loss of consortium.",,

19. After his accident on 15.01.2007, the deceased died on 20.02.2007 and according to his wife, PW1 Smt. Durga has incurred above Rs. 2 Lakhs on",,

medical treatment and Rs. 10,000/- against expenses on ambulance, etc. Even medical expenditure bills have not been filed. But, the fact remains that",, the deceased died in Delhi. Therefore, this Court is of the view that for transporting the deceased from the place of accident and subsequently, to",,

Delhi, the respondent nos.1 to 4 are also entitled for Rs. 10,000/-. So the total compensation, which the respondent nos.1 to 4 (claimants) are entitled is",,

as hereunder:-,,

(i) Under the head of loss of dependency - Rs. 22,83,957/-",,

(ii) For funeral expenses - Rs. 15,000/-",,

(iii) For loss of estate - Rs. 15,000/-",,

(iv) For loss of consortium, for four - Rs. 1,60,000/-",,

dependent members,,

(v) For transporting the deceased to Delhi - Rs. 10,000/-",,

Total Rs. 24,83,957/-",,

20. Accordingly, this Court is of the view that the respondent nos.1 to 4 are entitled to Rs. 24,83,957/- as compensation. Therefore, the appeal filed by",,

appellant deserves to be dismissed.,,

21. The respondent nos.1 to 4 are entitled to compensation of Rs. 2321957/- along with interest @ 6% per annum. The amount of compensation shall,,

be apportioned among the respondent nos.1 to 4, in term of the impugned judgment.",,

22. The appellant is directed to make complete payment to the respondent nos.1 to 4, within a period of one month.",,

23. Appeal from Order no.217 of 2008, is dismissed.",,

24. Appeal from Order no.348 of 2017, is allowed, accordingly.",,