

(2009) 08 DEL CK 0220

Delhi High Court

Case No: MAC.APP. 372 of 2009

Bajaj Allianz General Insurance
Co. Ltd.

APPELLANT

Vs

Saroj and Others

RESPONDENT

Date of Decision: Aug. 4, 2009

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

Bench: Single Bench

Advocate: Atul Nanda, for the Appellant; None, for the Respondent

Judgement

J.R. Midha, J.

CM Nos. 10642-43/2009 (Exemption)

1. Allowed, subject to just exceptions.

2. Both CMs stand disposed of.

MAC.APP. No. 372/2009 and CM No. 10641/2009

3. Issue notice to claimants/respondent Nos. 1 to 8 returnable on 15th September, 2009.

4. The LCR be requisitioned before the next date of hearing.

5. This case relates to the death of Raghubir Singh aged about 50 years. The deceased was survived by his widow, one son and six daughters who filed the claim petition before the learned Tribunal. The deceased was earning Rs. 14,696/- per month at the time of the accident. The learned Tribunal has added 50% of the salary of the deceased towards the future prospects and deducted 1/4th towards the personal expenses of the deceased and applied the multiplier of 13 to compute the loss of dependency at Rs. 25,79,148/-. Rs. 25,000/- has been awarded towards the loss of love and affection, funeral expenses and loss of estate. The total compensation was awarded at Rs. 26,04,148/.

6. The Learned Counsel for the appellant submits that the learned Tribunal erred in adding 50% of the income of the deceased towards the future prospects of the deceased. According to the recent judgment of the Hon"ble Supreme Court in the case of [Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another](#) , the future prospects have to be taken by adding 30% of the income of the deceased where the age of the deceased is between 40-50 years. In the present case, the deceased was aged about 50 years and by adding 30% of the income of the deceased towards the future prospects, the income of the deceased for computation of compensation comes to Rs. 19,104.8 [Rs. 14,696 + Rs. 4,408.8 (30% of Rs. 14,696)]. After deducting 1/4th towards the personal expenses of the deceased and applying the multiplier of 13, the loss of dependency computed to be Rs. 22,35,261.60/- (Rs. 19,104.8 X 3/4 X 12 X 13). Adding Rs. 25,000/- towards the loss of love and affection, loss of estate and funeral expenses and Rs. 10,000/- towards loss of consortium, the total compensation is computed to be Rs. 22,70,262/-.

7. Considering the facts and circumstances of this case, subject to the deposit of Rs. 22,70,262/- along with interest thereon @ 7.5% per annum from the date of filing of the petition till deposit by the appellant with UCO Bank A/c Saroj, the execution of the impugned award shall remain stayed.

8. Deposit be made by means of a account payee cheque drawn in the name of UCO Bank A/c Saroj and be handed over to Mr. M.M. Tandon, Member Retail-Team, UCO Bank Zonal, Parliament Street, New Delhi (Mobile No. 09310356400).

9. The order with respect to the disbursement of the award amount shall be passed on the next date of hearing after hearing the claimants.

10. Copy of this order be given "Dasti" to Learned Counsel for the appellant under signatures of Court Master.