

**(2011) 07 DEL CK 0434**

**Delhi High Court**

**Case No:** MAC Appeal No. 78 of 2011

New India Assurance Co. Ltd.

APPELLANT

Vs

Reena Nigam and Others

RESPONDENT

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**Date of Decision:** July 13, 2011

**Acts Referred:**

- Motor Vehicles Act, 1988 - Section 166

**Citation:** (2011) 4 TAC 442

**Hon'ble Judges:** Indermeet Kaur, J

**Bench:** Single Bench

**Advocate:** Neerja Sachdeva, for the Appellant; Rajnish Jha, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

Indermeet Kaur, J.

This appeal has impugned the award dated 09.11.2010 vide which the compensation in the sum of Rs. 8,52,000/- along with interest @ 7.5% had been awarded in favour of the claimants; amongst the three Petitioners the apportionment had also been detailed.

2. The claim petition had been filed u/s 166 of the Motor Vehicle Act, (MV Act). Mr. Avinash Nigam suffered an accident on 03.10.2006 pursuant to which he succumbed to his injuries. Evidence was led and the aforementioned amount was awarded in favour of the claimants.

3. The only argument urged in the present appeal is that the loss of dependency had been computed taking into account future prospects when minimum wages criteria was being applied; the increase in minimum wages due to inflation and price index rise had been taken into account; calculation was made by doubling the minimum wages. Contention is that this was an incorrect formula in terms of judgment of the Supreme Court reported in [Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another](#),

4. This argument of learned Counsel for the Appellant is bereft of merit; the various benches of this Court time and again reiterated that the price index and the rise in inflation has to be kept in mind even while computing the loss of dependency of a person whose loss of dependency is being calculated on the formula of minimum wages; over a period of 10 years, the minimum wages are likely to be doubled. This has been reiterated by a catena of judgments of this Court reported in [Kanwar Devi and Others Vs. Bansal Roadways and Others](#), [Lekh Raj and Another Vs. Suram Singh and Others](#), [Dwijendra Nath Roy Vs. Union of India \(UOI\) and Others](#) . The calculation in this regard does not suffer from any infirmity.

5. No other ground has been urged before this Court. Appeal is without any merit.

6. Dismissed.