

(2012) 03 DEL CK 0512

Delhi High Court

Case No: MAC. App. 534 of 2010

Bajaj Allianz General Insurance
Co. Ltd.

APPELLANT

Vs

Hemlata and Others

RESPONDENT

Date of Decision: March 26, 2012

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

Bench: Single Bench

Advocate: Atul Nanda, Ms. Rameeza Hakeem, Mr. Khalid Arshad, Mr. Rajat Brar, Ms. Priyadarshi Gopal, for the Appellant; N.K.Jha, for the Respondent

Final Decision: Dismissed

Judgement

G.P. Mittal, J.

The Appeal is for reduction of compensation of Rs. 18,80,000/- awarded for the death of Praveen Kumar, who died in an accident which occurred on 13.12.2007. The finding on negligence is not challenged by the Appellant Insurance Company.

2. During inquiry before the Motor Accident Claims Tribunal (the Claims Tribunal), it was claimed that the deceased was working as a Customer Courier Agent with M/s. Sash Logistics and Travels Pvt. Ltd. since 01.08.2006 and was earning Rs. 8100/- per month.

3. Smt. Hemlata (PW-1) the deceased's widow proved the Salary Certificate of the deceased Ex.PW-1/7. She deposed that if her husband had not met with an accident, he would have earned 4-5 promotions and his future salary would have been more than Rs. 17,000/- per month.

4. PW-2 Nand Kumar, Manager M/s. Sash Logistics and Travels Pvt. Ltd. also proved the Salary Certificate Ex.PW-1/7 and deposed that if the deceased had not died, he could have been promoted to the rank of Manager (Operations) and his salary would have been Rs. 30,000/- per month. The evidence on future prospects was not rebutted by the Appellant.

5. In this view of the matter, the Claims Tribunal was justified in making an addition of 50% towards future prospects in the deceased's income to compute the loss of dependency.
6. No other contention has been raised. The Appeal is devoid of any merit; the same is accordingly dismissed.