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## (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.