

Simarjit Kaur and ors. Vs. Ram Murti Singh and ors.

Simarjit Kaur and ors. Vs. Ram Murti Singh and ors.

SooperKanoon Citation : sooperkanoon.com/1096982

Court : Delhi

Decided On : Nov-12-2013

Judge : Suresh Kait

Appellant : Simarjit Kaur and ors.

Respondent : Ram Murti Singh and ors.

Judgement :

\$~ * % + IN THE HIGH COURT OF DELHI AT NEW DELHI Judgment delivered on:

12. h November, 2013 MAC.APP. 611/2013 SIMARJIT KAUR & ORS. Appellants Represented by: Mr.S.N. Parashar, Adv. versus RAM MURTI SINGH & ORS. Respondents Represented by: Mr. Vaidant Chadha, Adv. CORAM: HON'BLE MR. JUSTICE SURESH KAIT SURESH KAIT, J.

(Oral) 1. The present appeal is directed against the award dated 21st November, 2012 whereby learned Tribunal has awarded compensation for a sum of Rs.17,98,000/- with interest at the rate of 9% per annum from the date of filing the claim petition till realization.

2. Vide the present appeal, the appellants seek enhancement of the compensation award amount, as noted above.

3. Counsel appearing on behalf of the appellants has argued the sole ground that age of the deceased Baljinder Singh was 28 years on the date of accident, i.e. 23rd July, 2012, despite, that the learned Tribunal has added 30% towards future prospects.

4. To strengthen his argument, counsel has relied upon the case of Rajesh versus Raj Bir Singh, 2013 (6) SCALE563 decided on 12th April, 2013, the relevant para reads as under:

11. Since, the Court in Santosh Devis case (supra) actually intended to follow the principle in the case of salaried persons as laid in Saria Vermas case (supra) and to make it applicable also to the self-employed and persons on fixed wages, it is clarified that the increase in the case of those groups is not 30% always; it will also have a reference to the age. In other words, in 40 years, there must be an addition of 50% to the actual income of the deceased while computing future prospects. Needless to say that the actual income should be income after paying the tax, if any. Addition should be 30% in case the deceased was in the age group of 40 to 50 years.

12. In Saria Vermas case (supra), it has been stated that in the case of those above 50 years, there shall be no addition. Having regard to the fact that in the case of those self-employed or on fixed wages, where there is normally no age of superannuation, we are of the view that it will only be just and equitable to provide an addition of 15% in the case where the victim is between the age group of 50 to 60 years so as to make the compensation just, equitable, fair and reasonable. There shall normally be no addition thereafter.

5. Ld. Counsel submits that keeping in view age of the deceased as 28 years, Ld. Tribunal should have added 50% towards future prospects.

6. On the other hand, counsel appearing on behalf of the respondent/Insurance Company submits that keeping in view the dictums of Sarla Verma Vs. DTC and Ors. 2009 (6) SCC121 the learned Tribunal has rightly added 30% towards future prospects.

7. The issue of future prospects is no more res integra and same has been decided in Rajesh & Anrs. (supra), which has been followed by this Court in case of ICICI Lombard General Insurance Co. Ltd. Vs. Angrej Singh & Ors. in MAC Appeal 846/2011 decided on 30.09.2013.

8. Therefore, keeping in view the dictum of Rajesh & Anrs. (supra), I accordingly award 50% towards future prospects.

9. Accordingly, the compensation comes as under: Loss of Dependency Rs.9886.5X12X17 = Rs.20,16,846/- Loss of Estate Rs.10,000/- Loss of Consortium Rs.10,000/- Loss of Love and Affection Rs.25,000/- Funeral Expense Rs.5,000/- Total Compensation Rs.20,66,846/Rounded off to Rs.20,66,850/-.

10. Thus, enhanced compensation comes to Rs.2,68,850/-.

11. The appellants/claimants are entitled for the enhanced compensation amount along with 9% interest from the date of filing of the petition till realisation.

12. The Respondent/Insurance Company is directed to deposit the enhanced amount along with interest within five weeks from today with the Registrar General of this Court, failing which they are liable to pay penal interest @ 12% for the delayed payment.

13. On depositing the enhanced amount, same shall be released in favour of the appellants/claimants as per the award passed by the Tribunal. Since appellant No.4 has been expired, therefore, his share shall be released in favour of Ms. Simranjeet Kaur, wife of deceased Shri Baljinder Singh.

14. In view of the above, the appeal is allowed. SURESH KAIT, J NOVEMBER12 2013/SN/RS

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com