

Vimla Devi & Ors vs.harish Babu & Ors

Vimla Devi & Ors vs.harish Babu & Ors

SooperKanoon Citation : sooperkanoon.com/1210893

Court : Delhi

Decided On : Nov-27-2017

Appellant : Vimla Devi & Ors

Respondent : Harish Babu & Ors

Advocate for Pet/Ap. : Mr. Bhupesh Narula, Ms. Rinku Narula, Mr. Yogesh Narula

Judgement :

\$~ R-566 IN THE HIGH COURT OF DELHI AT NEW DELHI Decided on:

27. h November, 2017 + MAC. APPEAL No.851/2012 VIMLA DEVI & ORS
Appellant Through: Mr. Bhupesh Narula with Ms. Rinku Narula and Mr. Yogesh Narula, Advocates versus HARISH BABU & ORS CORAM: HON'BLE MR. JUSTICE R.K.GAUBA None. Through: ..Respondents JUDGMENT (ORAL) 1. The accident claim case (Suit No.87/11), instituted by the appellants (collectively, the claimants) on 12.07.2011 resulted in judgment dated 25.04.2012 being passed whereby the Tribunal awarded compensation in the total sum of Rs.10,45,350/- with interest @ 7.5 % per annum in their favour on account of death of Vinod Sharma in a motor vehicular accident that occurred on 14.05.2011 due to negligent driving of motor vehicle described as one bearing registration No.HR-63B-0987, admittedly insured against third party risk for the period in question with the third respondent (the insurer).

2. By the appeal at hand, enhanced compensation is sought. It is pointed out by the claimants that they have proved before the MAC App. No.851/2012 Page 1 of 3 Tribunal that the deceased was 38 years old. The Tribunal assumed the income on the basis of the minimum wages of a skilled worker at Rs.7410/- and applied the multiplier of 15. The grievance is that the future prospects of increase is not added in the award. The counsel for claimants also submits that the non-pecuniary damages and rates of interest levied are deficient.

3. Following the ruling of Constitution Bench of Supreme Court rendered on 31.10.2017 in SLP (C) 25590/2014, National Insurance Company Ltd. Vs. Pranay Sethi and Ors., future prospects of increase to the extent of 40% deserve to be added. Thus, the loss of dependency is recomputed as Rs. $(7410 \times 140100 \times 34 \times 12 \times 15)$ Rs.14,00,490/- rounded off to Rs.14,01,000/-. Following the dispensation in Pranay Sethi (supra), Rs.40,000/- towards loss of consortium and Rs.15,000/- each towards loss to estate and funeral expenses are added in lieu of the non-pecuniary damages awarded by the Tribunal.

4. Thus, the total compensation comes to Rs.(14,01,000 + 40,000 + 15,000 + 15,000) Rs. 14,71,000/- (Rupees Fourteen Lakhs and Seventy One Thousand Only).

5. Following the consistent view taken by this Court, the rate of interest is increased to 9% per annum from the date of filing of the petition till realization. [see judgment dated 22.02.2016 in MAC.APP. 165/2011 Oriental Insurance Co Ltd v. Sangeeta Devi & Ors.]. MAC App. No.851/2012 Page 2 of 3 6. Having regard to the apportionment of the award as directed by the Tribunal, it is directed that the entire enhanced portion of the award calculated along with the increase in the rate of interest shall fall to the share of first claimant Vimla Devi (widow) only to be released to her in the form of fixed deposit interest bearing receipt by nationalized bank for a period of seven years with rights to withdraw the periodic interest. Third respondent is directed to satisfy the award by requisite deposit before the Tribunal within 30 days.

7. The appeal is disposed of in above terms. NOVEMBER27 2017 srb
R.K.GAUBA, J.

