

Rajasthan Roadways Vs. Magdilini

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SooperKanoon Citation : sooperkanoon.com/956913

Court : Delhi

Decided On : Nov-27-2012

Judge : G.P. Mittal

Appellant : Rajasthan Roadways

Respondent : Magdilini

Advocate for Def. : Ms. Ruchi Jain

Advocate for Pet/Ap. : Ms. Archana Gaur, Mr. Ajit Kumar

Judgement :

\$ 6 * IN THE HIGH COURT OF DELHI AT NEW DELHI Date of decision:

27. h November, 2012 + MAC. APP. 101/2011 RAJASTHAN ROADWAYS
Through: Appellant Ms. Archana Gaur with Mr. Ajit Kumar, Advocates. Versus
MAGDILINI Through: Respondent Ms. Ruchi Jain, Advocate CORAM:
HON'BLE MR. JUSTICE G.P.MITTAL JUDGMENT G. P. MITTAL, J.

(ORAL) 1. The Appeal is for reduction of compensation of `4,56,068/- passed by the Motor Accident Claims Tribunal(the Claims Tribunal) for the death of Agnus @ Annu an unmarried girl aged 21 years.

2. By an order dated 04.02.2011 passed by this Court, a notice was issued to the Respondent only on the quantum of compensation.

3. The following contentions are raised on behalf of the Appellant: (i) There should have been a multiplier of 12 instead of 13, as according to the ration card the age of the deceaseds mother was 49 years on the date of the accident. (ii) The compensation of `30,000/- awarded towards loss of love and affection and `20,000/- awarded towards funeral expenses is on the higher side.

4. On the other hand, learned counsel for the Respondent states that the compensation awarded is just and reasonable.

5. Even if the age of the mother (Smt. Magdilini) of the deceased is accepted as 49 years as per ration card as urged by the learned counsel for the Appellant, still the multiplier would remain 13. Thus, there is no ground to interfere with the multiplier adopted by the Claims Tribunal.

6. The trend of Superior Courts is to grant a compensation of `25,000/towards loss of love and affection and actual expenditure towards funeral expenses. In *Sarla Verma & Ors. v. Delhi Transport Corporation & Anr*, (2009) 6 SCC 12.it was laid down that in the absence of any evidence, a sum of `5,000/- to 10,000/- may be awarded towards funeral expenses. On this basis the overall compensation comes to `4,41,068/- as against `4,56,068/- awarded by the Claims Tribunal. For a small sum of `15,000/-, I would not like to interfere with the award of compensation of `4,56,068/- passed by the Claims Tribunal.

7. The overall compensation awarded is just and reasonable. The Appeal, therefore, fails; it is accordingly dismissed.

8. The award amount shall be disbursed in favour of the Respondents/held in fixed deposit in favour of the Respondent as per the orders passed by the Claims Tribunal.

9. Statutory amount of `25,000/-, if any, shall be refunded to the Appellant Insurance Company.

10. Pending Applications stand disposed of. (G.P. MITTAL) JUDGE NOVEMBER 27 2012 pst