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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 5th December, 2011

+ **MAC APP. 209/2010**

ORIENTAL INSURANCE CO. LTD. Appellant
Through: Mr. L. K. Tyagi, Adv.

Versus

BIRMA DEVI & ORS. Respondents
Through: Mr. Mohinder Malhotra, Adv. for R-1.

CORAM:
HON'BLE MR. JUSTICE G.P.MITTAL

J U D G M E N T

G. P. MITTAL, J. (ORAL)

1. The Appellant Insurance Co. impugns the award dated 15.01.2010 whereby a total compensation of ₹ 4,82,070/- was awarded in respect of death of Ms. Sushma, who was an unmarried girl aged 23 years.
2. The Tribunal took the deceased's income to be ₹ 4,470/- added 50% towards future prospects deducted 50% towards personal living expenses and applied the multiplier of '9' to arrive at dependency of ₹ 3,60,070/-.
3. The only ground of challenge is that a sum of ₹ 1,00,000/- awarded by the Tribunal towards love and affection was on

higher side. In *Sarla Verma v. DTC*, (2009) 6 SCC 121, it was held that a nominal sum of ₹ 5,000/- to ₹ 10,000/- may be awarded towards loss of estate, ₹ 5,000/- to ₹ 10,000/- towards loss of consortium apart from funeral expenses. The award of compensation of ₹ 1,00,000/- towards love and affection was on the higher side. It needs to be reduced to ₹ 25,000/-. Overall compensation works out to be ₹ 4,07,070/-. After deducting the amount of ₹ 50,000/-, if paid towards interim compensation, the balance amount shall be payable to Respondent No.1. 50% of award amount was released to Respondent No.1 in terms of order dated 22.11.2010. Rest of the awarded amount shall be held in FDR for a period of 3 years in UCO Bank, Delhi High Court Branch. The excess amount shall be refunded to the Appellant Oriental Insurance Co. Ltd. along with statutory deposit, if any.

4. The appeal is allowed in above terms.

(G.P. MITTAL)
JUDGE

DECEMBER 5, 2011

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