

IN THE HIGH COURT OF DELHI AT NEW DELHI**+ MAC.APP.No.342/2008**Date of decision: 26th August, 2009

THE NEW INDIA ASSURANCE CO.LTD. Appellant
Through : Mr. Pankaj Seth, Adv.

versus

RAMESH & ORS. Respondents
Through : Mr. Tej Singh Chauhan, Adv.
for R- 6,7 and 8.
Mr. K.K. Singh, Adv.
for R - 1 to 5.

CORAM :-**THE HON'BLE MR. JUSTICE J.R. MIDHA**

- | | | |
|----|---|------------|
| 1. | Whether Reporters of Local papers may be allowed to see the Judgment? | YES |
| 2. | To be referred to the Reporter or not? | YES |
| 3. | Whether the judgment should be reported in the Digest? | YES |

JUDGMENT (Oral)

1. The appellant has challenged the award of the learned Tribunal whereby compensation of Rs.8,59,200/- has been awarded to the claimant. The appellant seeks reduction of the awarded amount.

2. The accident dated 19th April, 2004 resulted in death of Meghraj. The deceased was survived by his widow, two minor sons and parents who has filed the claim petition before the Tribunal.

3. The deceased was aged 31 years at the time of the accident and was working as a driver earning Rs.4,500/- per month.

However, in the absence of documentary evidence of the proof of income, the learned Tribunal applied the minimum wages and took judicial notice of the increase in minimum wages due to inflation and increase in price index. 1/4th has been deducted towards the personal expenses of the deceased and multiplier of 17 has been applied to compute the loss of dependency at Rs.8,24,160/-. Rs.30,000/- has been awarded towards loss of love and affection and loss of consortium and Rs.5,000/- has been awarded towards funeral expenses. The total compensation awarded is Rs.8,59,200/-.

4. The amount awarded by the learned Tribunal is just, fair and reasonable and needs no interference. The appeal is therefore, dismissed.

5. No order as to costs.

6. The learned counsel for the claimant/respondents submits that they have received the entire award amount. In that view of the matter, statutory amount of Rs.25,000/- be refunded to the appellant through counsel within four weeks.

7. All pending applications stand disposed of.

8. Copy of this order be given dasti under the signature of the Court Master to the learned counsel for the parties.

AUGUST 26, 2009
RN

J.R. MIDHA, J