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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: November 30, 2011

+ **MAC.APP. 295/2011**

BAIJANTI BAI & ORS

..... Appellants

Through: Mr. Navneet Goyal, Advocate with
Ms. Suman N. Rawat, Advocate

versus

RAM SINGH & ORS

..... Respondents

Through: Mr. S. L. Gupta, Advocate with Mr. Ram
Ashray, Advocate

CORAM:

HON'BLE MR. JUSTICE G.P. MITTAL

J U D G M E N T

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G.P. MITTAL, J.(ORAL)

1. The Appellants seek enhancement of compensation in respect of death of deceased Geeta, who was aged 31 years at the time of the accident. On the basis of *Lata Wadhwa & Ors. Vs. State of Bihar, 2001 ACJ 1735(SC)*, the Tribunal took the value of the domestic services rendered by the deceased to be ₹3000/- per month, applied the multiplier of 16 according to the deceased's age and computed the dependency at ₹4,32,000/-. A notional sum of ₹10,000/- towards love and affection, ₹5,000/- towards funeral expenses and ₹10,000/- towards loss of estate was granted in addition to the dependency.

2. Following contentions are raised on behalf of the Appellant:

- i) In case of domestic services rendered by the deceased's housewife, 1/4th deduction towards personal expenses was not permissible.
- ii) The estimate of domestic services rendered by the deceased at ₹3,000/- was on the lower side. It was taken as ₹3,000/- in *Lata Wadhwa*

(*supra*) where the accident took place in the year 1989, its value ought to have been taken ₹10,000/- per month in this case.

3. No evidence was led before the Tribunal as to the value of the services rendered by the deceased Geeta. Therefore, the value of the services rendered was rightly taken as ₹3,000/- per month on the basis of *Lata Wadhwa (supra)* and *Vijay Chadha & Ors. Vs. Jasbir Singh, 2007 ACJ 1238*. At the same time, 1/4th deduction towards personal expenses was not permissible in view of *Lata Wadhwa(supra)* and *Vijay Chadha(supra)*. The Tribunal fell into error in deducting 1/4th of the notional income towards the personal expenses.

4. The loss of dependency thus works out to be 3000 X 12 X16 =₹5,76,000/-. The amount of ₹10,000/-, which was awarded towards the loss of love and affection was on the lower side. The same is enhanced to ₹25,000/-. The enhanced compensation works out as under:

Loss of Financial Dependency	₹5,76,000/-
Loss of Love and Affection	₹25,000/-
Funeral Expenses	₹ 5,000/-
Loss of Estate	₹10,000/-
Total	₹6,16,000/-

5. The enhanced compensation shall carry interest @ 7.5% per annum which shall be deposited with the Registrar General of this Court within six weeks. Appellants No.2 to 6 are the deceased's minor children. Deceased Kalu also lost his life in the accident. Appellant No.1 is the mother-in-law. Out of the enhanced compensation, a sum of ₹25,000/- along with proportionate interest shall be paid to the Appellant No.1. Rest of the compensation shall be equally distributed among rest of the Appellants and held in a

Fixed Deposit Receipt in UCO Bank, Delhi High Court Branch till they attain the age of majority.

6. The appeal is allowed in above terms. No costs.

(G.P. MITTAL)
JUDGE

NOVEMBER 30, 2011
pst