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

% *Decided on: 18.11.2019*

\+ **MAC.APP. 14/2019**

VIRENDRA SHARMA & ANR .....Appellants

Through: Mr. B.K. Singh, Advocate.

versus

ORIENTAL INSURNACE CO LTD & ORS ..... Respondents

Through: Mr. Anshul and Mr. Abhishek Kumar, Advocate.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. This appeal impugns the quantum of the Award dated 05.10.2018 passed by the learned MACT in MACP No. 1393/2016, on the ground that the effective monthly pay of Rs. 9,500/- was not taken into consideration while computing the compensation towards 'loss of dependency'.

2. The learned counsel for the appellants relies upon a Salary Certificate (Annexure PW-3/3), issued by M/s Raj Furnitures, Interior Decorator & Furnitures- the employer of the deceased, which shows his gross monthly wages @ Rs. 8,500/- per month and Site Room Rent @ Rs. 1,000/- per month, i.e. a total of Rs. 9,500/-.

3. The Court would note that the Site Room Rent was made available to the employee for his accommodation. It is in this accommodation that the parents of the deceased also lived and for this roof over their head they were

dependent upon their son. Accordingly, Rs. 9,500/- shall be considered as his monthly income to compute compensation towards 'loss of dependency'.

4. The Court would note that the parents of the deceased would also be entitled to compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs. 40,000/- each respectively, in terms of the dicta of the Supreme Court in ***Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors.***, 2018 SCC OnLine SC 1546. The same is granted to them. Additionally, compensation towards 'Loss of Estate' and 'Funeral Expenses' shall also be payable @ Rs. 15,000/- under each of the heads, in terms of the dicta of the Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi & Ors*** (2017) 16 SCC 680.

5. The amount payable to the claimants is as under:

S.No.	Particulars	Amount
1.	Loss of Dependency [Rs. 9,500/- (monthly income of the deceased) x 12 (months) x 18 (multiplier) x 140/100 (loss of future prospects) x 50/100 (50% deduction towards personal expenses)]	Rs. 14,36,400 /-
2.	Loss of love and affection [Rs. 50,000 x 2 (claimants)]	Rs. 1,00,000/-
3.	Loss of consortium [Rs. 40,000 x 2 (claimants)]	Rs. 80,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
TOTAL		**Rs. 16,46,400/-**

6. Let the aforesaid amount, alongwith interest accrued thereon @ 9% from the date of the filing of the Claim Petition till its realization, be deposited by the insurer within three weeks from the date of receipt of copy of this order, to be released to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.

7. The appeal stands disposed-off in the above terms.

NAJMI WAZIRI, J

NOVEMBER 18, 2019
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HIGH COURT OF DELHI
सत्यमेव जयते