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

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Decided on: 20.12.2019

+ MAC.APP. 958/2019 & CAV 1255/2019

VIRENDER KAUR & ORS

..... Appellants

Through: Mr. Ashish Tilwani, Advocate.

versus

KULDEEP SINGH & ORS (THE NEW INDIA ASSURANCE
COMPANY LIMITED)

..... Respondents

Through: Mr. Pankaj Seth, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. Issue notice.
2. The learned counsel named above accepts notice on behalf of the insurance company. He submits that he wishes to file a cross appeal against the order dated 02.09.2019 passed by the learned MACT.
3. Be that as it may, the issue apropos valid driving licence can at best grant the insurer the right of recovery and would not affect the right of the claimants. In the circumstance, the appeal is taken up for disposal.
4. This appeal impugns the award of compensation dated 02.09.2019 passed by the learned MACT in MACP No. 5446/16, insofar as it has not granted compensation towards 'loss of love and affection' and 'loss of consortium', which are payable to each of the claimants @ Rs. 50,000/- and Rs. 40,000/-, respectively in terms of the dicta of the Supreme Court in *Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors.*

2018 SCC OnLine SC 1546. The appellants' claim is valid and the same is granted to them.

5. An identical relief has been granted by this Court in *National Insurance Co Ltd vs. Lokesh Verma & Ors* in MAC APP. 762/2019 decided on 02.09.2019, wherein the Supreme Court has dismissed the SLP of the insurance company on 24.10.2019.

6. Accordingly, the amount payable to the appellants/claimants is as under:-

S.No.	Particulars	Amount
1.	Loss of love and affection [Rs. 50,000 x 5 (claimants)]	Rs. 2,50,000/-
2.	Loss of consortium [Rs. 40,000 x 5 (claimants)]	Rs. 2,00,000/-
TOTAL		Rs. 4,50,000/-

7. Let the aforesaid amount, alongwith interest @9% p.a. from the date of the filing of the Claim Petition till its realization, be deposited by the insurer before the learned Tribunal, 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.

8. The appeal, alongwith pending application, stands disposed-off in the above terms.

NAJMI WAZIRI, J

DECEMBER 20, 2019

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