

\$~31

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

%

Decided on: 05.11.2019

+

MAC.APP. 856/2019

MEENAKSHI & ORS

..... Appellants

Through: Mr. Manish Maini, Advocate.

versus

RANJEET & ORS (RELIANCE GENERAL INSURANCE CO LTD)

..... Respondents

Through: Mr. Rajeev M. Roy, Advocate for
R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 47726/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed-off.

CM APPL. 47725/2019 (for delay)

3. For the reasons mentioned in the application, it is allowed.
4. The delay in filing the appeal is condoned.
5. The application stands disposed-off.

MAC.APP. 856/2019

6. Issue notice.
7. The learned counsel named above accepts notice on behalf of the insurance company.

8. At joint request, the appeal is taken up for disposal.
9. This appeal impugns the award of compensation dated 21.01.2019 passed by the learned MACT in Suit No. 448/16 (Old No. 45/15), on the ground that instead of minimum wages of Rs. 8,632/- applicable to an unskilled worker, a figure of Rs. 8,554/- has been taken into consideration for computation of the 'loss of dependency'. The aforesaid contention is correct.
10. The fatal motor-vehicular accident occurred on 16.02.2015. According to the Notification issued by the Labour Department, GNCTD, the rate of minimum wages applicable to an unskilled worker w.e.f. 01.10.2014 till 31.03.2015 was Rs. 8,632/-. The same shall be applied for calculation of the 'loss of dependency'.
11. The Court would note that each of the claimants shall also be entitled to compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs. 40,000/-, respectively as per 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 the claimants.
12. Accordingly, the amount payable by the insurance company is as under:

S.No.	Particulars	Amount
1.	Loss of Dependency [(Rs.8,632/- (minimum wages) x 12 (months) x 16 (multiplier) x 140/100 (loss of future prospects) x 75/100 (deduction towards personal expenses)]	Rs. 17,40,211/-

2.	Loss of love and affection [Rs. 50,000 x 6 (claimants)]	Rs. 3,00,000/-
3.	Loss of consortium [Rs. 40,000 x 6 (claimants) less Rs. 40,000/- (already awarded)]	Rs. 2,00,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
6.	Medical Expenses	Rs. 47,000/-
		Rs. 23,17,211/-
	less interim award amount	Rs. 50,000/-
	TOTAL	Rs. 22,67,211/-

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

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

NAJMI WAZIRI, J

NOVEMBER 05, 2019

RW