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

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Decided on: 23.10.2019

+ **MAC.APP. 838/2019**

BIBI BULO & ORS

..... Appellants

Through: **Mr. Bhupesh Narula and Ms. Rinku Narula, Advocates.**

versus

MOHD JAHANGIR & ORS (SHRIRAM GENERAL INSURANCE CO. LTD)

..... Respondents

Through: **Mr. Abhay Singh Bhadoria and Mr. Sameer Nandwani, Advocates for insurance company.**

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.
3. At joint request, the appeal is taken up for disposal.
4. This appeal impugns the award of compensation dated 20.09.2019 passed by the learned MACT in MACT No.552/2017 seeking enhancement of compensation on the following grounds:
 - i) That the deceased was 44 years of age at the time of the motor vehicular accident, therefore multiplier of 14 ought to have

been applied instead of 13 in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*, (2017) 16 SCC 680.

- ii) That there were eight claimants, therefore, the deduction towards 'personal expenses' ought to have been $1/5^{\text{th}}$ and not $1/4^{\text{th}}$.
- iii) That the compensation towards 'loss of consortium' and 'loss of love and affection' @ Rs. 40,000/- and Rs. 50,000/- respectively ought to have been granted to each of the claimants in terms of *Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors.*, 2018 SCC OnLine SC 1546.

5. Each of the aforesaid grounds are valid, the impugned order is, therefore, modified to the following extent as under:

Sl. NO.	Particular	Compensation Amount
1.	Loss of dependency Rs.13,350/- (minimum wages) x12 (months) x 14(multiplier) x 80/100 ($1/5^{\text{th}}$ deduction towards personal expenses)x125/100 (loss of future prospects)	Rs.22,42,800/-
2.	Loss of love & affection [Rs.50,000x10(claimants)]	Rs.5,00,000/-
3.	Loss of consortium [Rs.40,000x10(claimants)]	Rs.4,00,000/-
4.	Loss of Estate	Rs.15,000/-
5.	Funeral expenses	Rs.15,000/-
	Total	Rs.31,72,800/-

6. Hence, the total amount payable to the appellant is Rs. 31,72,800/-. Let the aforesaid enhanced amount of Rs.9,50,300/- alongwith interest at the same rate and from the same date as specified in the impugned order be deposited before the learned Tribunal within three weeks from the date of receipt of copy of this order, to be released to the beneficiary(ies) of the Award in terms of the scheme of disbursement specified therein.

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

OCTOBER 23, 2019

AB

NAJMI WAZIRI, J

