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

% *Decided on: 01.11.2019*

+ MAC.APP. 849/2019

SANGITA DEVI & ORS Appellants

Through: Mr. Sunil Kumar Verma, Advocate.

versus

NEW INDIA ASSURANCE LTD & ORS Respondents

Through: Mr. Salil Paul and Mr. Sahil Paul,
Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

CM APPL. 47473/2019 (delay of 24 days in filing)

1. This application seeks condonation of delay of 24 days in filing the appeal.
2. For the reasons mentioned in the application, the delay is condoned.
3. The application stands disposed-off.

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4. Issue notice.
5. The learned counsel named above accepts notice on behalf of the insurance company.
6. At joint request, the appeal is taken up for disposal.
7. This appeal impugns the award of compensation dated 27.05.2019 passed by the learned MACT in MACP No. 862/16 on the ground that the

minimum wages applicable to an unskilled worker was taken into consideration for computing ‘loss of dependency’, although the deceased had brought evidence on record establishing that he was a matriculate. His matriculation certificate is annexed at page 142 of the claim petition.

8. In the circumstances, minimum wages applicable to a matriculate would be applicable, which was Rs. 10,478/- at the relevant time. The impugned order is modified to that extent.

9. The Court would note that 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, each of the claimants would be entitled to compensation towards ‘loss of love and affection’ and ‘loss of consortium’ @ Rs. 50,000/- and Rs. 40,000/- respectively. The same is granted to them.

10. Accordingly, the amount payable to the claimants is as under:

S.No.	Particulars	Amount
1.	Loss of Dependency [Rs. 10,478/- (minimum wages applicable to a matriculate) x 12 (months) x 14 (multiplier) x 125/100 (25% loss of future prospects) x 80/100 (1/5 th deduction)]	Rs. 17,60,304/-
2.	Loss of love and affection [Rs. 50,000/- x 8 (claimants) less Rs. 1,40,000/- (already awarded)]	Rs. 2,60,000/-
3.	Loss of consortium [Rs. 40,000/- x 8 (claimants) less Rs. 40,000/- (already awarded)]	Rs. 2,80,000/-
	TOTAL	Rs. 23,00,304/-

11. Let enhanced amount alongwith interest @ 9% from the date of filing of the claim petition till its realization, 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.

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

NOVEMBER 01, 2019

AB

NAJMI WAZIRI, J



न्यायमेव जयते