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

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Judgment delivered on: 08.07.2019

+ **MAC.APP. 240/2018, CM APPL. 53728/2018**

SAROJ SAINI & ANR

..... Appellant

Through: Mr.Mukesh Gupta and Mr.Rishi Pal
Singh, Advocates

versus

DHARAM PAL & ORS (THE NATIONAL INSURANCE CO LIMITED)

..... Respondent

Through: Mr.J.P. N. Shahi, Advocate for
respondent no.3/ insurance company.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

The appellants have impugned the award of compensation primarily on two grounds: first a wrong multiplier of 11 instead of 17 was applied for the deceased, who was only 26 years of age. As per the schedule, it is not in dispute that the applicable multiplier would be 17 and not 11. Secondly, on the basis of *Sarla Verma & Ors vs Delhi Transport Corp. & Anr*¹, no compensation towards loss of future prospects have been granted. However, in view of the decision of Supreme Court in *National Insurance Company*

¹ (2009) 6 SCC121

Vs. Pranay Sethi², the loss of future prospect is to be paid @ of 40% of the total compensation.

Mr. J.P.N. Shahi, the learned counsel for the respondent no.3/ Insurance company, fairly concedes that the loss of future prospects would be payable to the appellant @40% of the total compensation.

Accordingly, the appellant would be entitled to compensation on account of 'loss of dependency' on a multiplier of 17 instead of 11 plus 40% thereon towards loss of future prospects. Let a fresh computation be done by the insurance company within two weeks, and along with and all the other monies awarded in the impugned award, be paid to the appellant, in terms of the scheme of disbursement specified therein along with interest @ 9% from the date of filing of the petition. The said amount shall be paid to the appellant within four weeks of the receipt of this order.

The appeal stands disposed off in the above terms.

JULY 09, 2019/ssn

NAJMI WAZIRI, J

² (2017) 16 SCC 680