

\$~10

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

%

*Decided on: 06.09.2019*

+ MAC.APP. 120/2019

POOJA & ORS

..... Appellants

Through: Mr. Abhilesh Arora and Mr. Nikhil,  
Advocates

versus

NATIONAL INSURANCE CO LTD

..... Respondent

Through: Mr. Shafiullah, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE NAJMI WAZIRI**

**NAJMI WAZIRI, J. (Oral)**

1. This appeal impugns the award of compensation in MACT No. 174/18 dated 18.09.2018 on the ground that the compensation towards 'loss of future prospects' in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. Vs. Pranay Sethi & Ors.* 2017 16 SCC 680, has not been granted. There is no dispute regarding the said entitlement. Accordingly, the compensation shall be enhanced to 40% towards 'loss of future prospects'. The amount payable shall be Rs.  $Rs. 9,724/- \times 12 \times 15 \times 140 / 100 = Rs. 24,50,448/-$ . Additionally, they are also entitled to compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs.50,000/- and Rs. 40,000/-, respectively, in terms of the dicta of the Supreme Court in *Magma General*

***Insurance Co. Ltd. Vs. Nanu Ram Alias Chuhru Ram & Ors.*** 2018 SCC OnLine SC 1546. Additionally, the claimants shall also be granted compensation @ Rs. 15,000/- towards 'Funeral Expenses' and 'Loss of Estate' under each head. Accordingly, the amount payable would be Rs. 50,000/-x5+Rs.40,000/-x5= Rs. 4,50,000/-+ Rs.15,000/-x2= Rs,4,80,000/-.

2. The enhanced amount shall be deposited before the learned MACT within three weeks from the date of receipt of copy of this order to be disbursed to the beneficiaries of the Award in terms of the scheme of disbursement specified therein.
3. The appeal is disposed-off in the above terms.
4. A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

**SEPTEMBER 06, 2019**

rhc

**NAJMI WAZIRI, J**

नात्यमेव जयते