

\$~

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

%

Decided on: 12.09.2019

+

MAC.APP. 189/2019

NIRMALA DEVI & ORS

..... Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

IFFCO TOKIO GENERAL INSURANCE CO LTD Respondent

Through: Mr. A.K. Soni, Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. At joint request, the appeal is taken up for disposal alongwith MAC APP. 724/2017.
2. This cross appeal impugns the award of compensation on the ground that the multiplier apropos the age of parents has been taken into consideration instead of age of the deceased. The latter was 24 years of age, therefore, multiplier of 18 ought to have been applied in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi & Ors.* (2017) 16 SCC 680. Furthermore, they are also entitled for the compensation towards 'future prospects' @40% in terms of the same judgment. It is so ordered.
3. As regards non-pecuniary compensation each of the claimants shall also be entitled for compensation towards 'loss of love and affection' and

‘loss of filial consortium’ @Rs. 50,000/- and @Rs. 40,000/- respectively in terms of the *Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors.* 2018 SCC OnLine SC 1546. It is so ordered. Additionally, compensation towards ‘funeral expenses’ and ‘loss of estate’ @ Rs. 15,000/- per head shall also be granted i.e. Rs. 50,000/-x2+Rs. 40,000/-x2+Rs. 15,000/-+Rs. 15,000/-= Rs.2,10,000/-.

4. The total amount payable is Rs.17,000/-x12x50/100x18x140/100=Rs. 25,70,400/- + Rs. 2,10,000/-= Rs. 27,80,400/-

5. The enhanced amounts shall be deposited before the learned Tribunal by the insurer, alongwith interest at the rate of 9% p.a. from the date of filing of the claim petition, within three weeks from the date 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.

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

NAJMI WAZIRI, J

SEPTEMBER 12, 2019

RW