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

% *Decided on: 22.10.2019*

+ **MAC.APP. 474/2019 & CM APPL. 18224/2019**

IFFCO TOKIO GNERAL INSURANCE CO LTD Appellant

Through: Mr. A.K. Soni and Mr. Pavan Kumar,
Advocates.

versus

GEETA DEVI & ORS Respondents

Through: Mr. S.N. Parashar, Advocate for R-1
and R-2.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. This appeal impugns the award of compensation dated 02.02.2019 passed by the learned MACT in MACP No. 440/17, on the ground that the father being a government employee in the Flood and Irrigation Department, would not be considered as dependent. Nevertheless, the dependency of the mother is not in doubt and the income of the deceased would therefore be liable to be deducted by 50%. The same has already been done in the impugned order.

2. The Court would note that the parents of the deceased have been granted Rs. 1 lac for compensation towards 'loss of love and affection' of their son, who was barely 23 years of age and had a whole life full of promises ahead of him. The parents would miss his filial consortium for the

rest of their life for which they are entitled to compensation towards 'loss of consortium' @Rs. 40,000/- each, in terms of the dicta of the Supreme Court in *Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors.* 2018 SCC OnLine SC 1546. The same is granted to them.

3. In view of the above, the appeal, alongwith pending application, is dismissed as being without merit. The non-pecuniary compensation of Rs. 80,000/- for 'loss of filial consortium', alongwith, interest @9% p.a. from the date of filing of the Claim Petition till its realization shall be paid to the claimants, within three weeks from the date of receipt of copy of this order.

4. The statutory amount, alongwith interest accrued thereon, shall be returned to the appellant after they have furnished proof to the Registrar (Judicial) of payment in terms of the above.

OCTOBER 22, 2019

RW

NAJMI WAZIRI, J

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