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

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Decided on: 07.11.2019

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MAC.APP. 487/2019 & CM APPL. 18991/2019

DIKSHA SHARMA & ORS

..... Appellants

Through: Mr. D.K. Sharma, Advocate.

versus

ROSHAN THAKUR & ORS (M/S ICICI LOMBARD GENERAL
INSURANCE CO LTD)

..... Respondents

Through: Mr. Pankaj Gupta, Advocate for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 18992/2019 (for delay in re-filing)

1. For the reasons mentioned in the application, it is allowed.
2. The delay in re-filing the appeal is condoned.
3. The application stands disposed-off.

MAC.APP. 487/2019 & CM APPL. 18991/2019

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. The appellant impugns the award of compensation dated 15.11.2018 passed by the learned MACT in MACP No. 6269/16, on the ground that in the case of fatal motor vehicular accident, compensation of only Rs. 40,000/- has been granted towards 'loss of love and affection'.

8. The Court would note that no amount has been granted towards 'loss of consortium'.

9. There are five claimants. In view 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, each of the claimants would be entitled to and are hereby granted compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs. 40,000/-, respectively.

10. The amount payable to the claimants is as under:-

S.No.	Particulars	Amount
1.	Loss of Love and Affection [Rs. 50,000/- x 5 (claimants) less Rs. 40,000/- (already awarded)]	Rs. 2,10,000/-
2.	Loss of Consortium [Rs. 40,000/- x 5 (claimants)]	Rs. 2,00,000/-
TOTAL		Rs. 4,10,000/-

11. The aforesaid amount of Rs. 4,10,000/-, alongwith interest accrued thereon @ 9% from the date of the filing of the Claim Petition till its realisation, be deposited by the insurer before the learned Tribunal, within three weeks 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.

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

NAJMI WAZIRI, J

NOVEMBER 07, 2019

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