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

% *decided on: 10.12.2019*

+ **MAC.APP. 523/2019**

MANJU DEVI & ORS Appellants
Through: Mr.S.N. Parashar, Advocate.

versus

MOHD SABIR & ORS (CHOLAMANDALAM MS GEN INS CO LTD) Respondent
Through: Mr.Pankaj Gutpa for Ms. Suman Bagga, Advocate for respondent No.3.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

CM App Nos. 21191/2019 and 21328/2019

1. For the reasons stated in the applications, the delay of 11 days and delay of 25 days in re-filing are condoned. The applications stand disposed off.

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2. Issue Notice.
3. The learned counsel named above accepts notice. At joint request the appeal is taken up for disposal.
4. This appeal impugns the award of compensation dated 27.11.2018 passed by the learned MACT in MAC No. 2208/2016 on the ground that the multiplier of 17 has been wrongly applied. The deceased was 18 years of

age at the time of the unfortunate motor accident. The error is apparent. Accordingly, the multiplier of 18 shall be made applicable instead of 17 as per the decision of the Supreme Court in *Sarla Verma vs. Delhi Transport Corporation*, (2009) 6 SCC 121.

5. The Court would note that compensation towards non-pecuniary head of “loss of consortium” has been granted @ Rs. 40,000/-. There are two claimants, each of them shall be entitled to compensation of Rs. 40,000/- and Rs. 50,000/- towards ‘loss of consortium’ and ‘loss of love and affection’ respectively, in terms of the dicta of Supreme Court in *Magma General Ins. Co. Ltd. vs Nanu Ram @ Chuhru Ram*, 2018 SCC OnLine SC 1546. The same is granted to them.

6. Let the aforesaid enhanced amount be paid by the insurer to the claimant alongwith interest @ 9% from the date of filing of the claim petition till its realization, within three weeks from date of receipt of copy of this order. The other amounts of ‘loss of dependency’, etc. computed in terms of the above, shall be deposited before the learned Tribunal with the same rate of interest and within the same period, to be released to the beneficiary(ies) of the award in terms of scheme of disbursement specified therein.

7. The appeal is disposed off in the above terms.

NAJMI WAZIRI, J.

DECEMBER 10, 2019
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