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

% *Decided on: 10.10.2019*

+ MAC.APP. 663/2019 & CM APPL. 30980/2019

MUSTKEEM KURAIISI & ORS Appellants

Through: Mr. S.N. Parashar, Advocate.

versus

MOHD ANISH & ORS (UNITED INDIA INS CO LTD)

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal seeks enhancement of the award of compensation dated 24.01.2019 passed by the learned MACT in MACT No. 419/18 on the ground that compensation towards 'loss of future prospects' which is payable 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 awarded. The deceased was 26 years of age at the time of the motor-vehicular accident and was self-employed as a domestic assistant. Therefore, the compensation towards 'loss of future prospects' @ 40% would be payable to her in terms of *Pranay Sethi (supra)*. It is so granted. Additionally, in terms of the dicta of the Supreme Court in *Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram & Ors.*, 2018 SCC OnLine SC 1546, each of the claimants would also be, entitled to

compensation towards 'loss of consortium' and 'loss of love and affection' @ Rs. 40,000/- and Rs. 50,000/- respectively. It is so granted.

2. The amount payable shall be as under:

S.No.	Particulars	Amount
1.	Loss of Dependency Rs. 13,896 (minimum wage) x 12 (months) x 17 (multiplier) x 140/100 (Loss of future prospects) x 66.66/100 (1/3 rd deduction towards personal expenses)	Rs. 26,43,153/-
2.	Loss of Love & Affection [Rs. 50,000 x 3 (claimants)]	Rs. 1,50,000/-
3.	Loss of Consortium [Rs. 40,000x3 (claimants)]	Rs. 1,20,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
TOTAL		Rs. 29,43,153/-

3. Let the aforesaid amount, alongwith interest @ 9% from the date of filing of the claim petition till its realization, be deposited before the learned Tribunal within three weeks from the date of receipt of copy of this order to be released to the beneficiary(ies) of the award in terms of the scheme of disbursement specified therein.

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

NAJMI WAZIRI, J

OCTOBER 10, 2019/AB