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

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Decided on: 22.11.2019

+ MAC.APP. 668/2019

MAYA DEVI & ORS

..... Appellants

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

versus

THE NEW INDIA ASSURANCE CO LTD & ORS Respondents

Through: Mr. Pankaj Seth, Advocate for
insurance company.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 30.03.2013 passed by the learned MACT in MAC Petition No. 1313/10 seeking enhancement of the compensation on the ground that the deceased was an employee of Government of India and was working in the Ministry of Home Affairs; he was 44 years of age at the time of the accident, therefore, he being a permanent employee, the compensation towards 'loss of future prospects' ought to be @ 50% in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*, (2017) 16 SCC 680. The argument is valid, therefore, 50% towards 'loss of future prospects' is granted.

2. The Court would note that merely Rs. 25,000/- has been granted as compensation for 'loss of love and affection'. The claimants seek enhancement of the same to Rs. 50,000/- for each of them as well as compensation towards 'loss of consortium' @ Rs. 40,000/- in terms of ***Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors.***, 2018 SCC OnLine SC 1546. It is so granted. The compensation towards 'loss of estate' and 'funeral expenses' has been granted by the learned Tribunal @ Rs. 10,000/- and Rs. 5,000/- respectively. The Court would note that in terms of ***Pranay Sethi (Supra)***, compensation under the aforesaid two heads ought to have been Rs. 15,000/- each. It is so granted.
3. The total amount payable is as under:

S.No.	Particulars	Amount
1.	Loss of Dependency [Rs. 18,588/- (monthly salary of the deceased) x 12 (months) = Rs. 2,23,056/- x 150/100 (loss of future prospects) = Rs. 3,34,584/- less Rs. 13,997/- (income tax) = Rs. 3,20,587/- x 14 (multiplier) x 75/100 (1/4 th deduction towards personal expenses)]	Rs. 33,66,164/-
2.	Loss of love and affection [Rs. 50,000 x 5 (claimants)]	Rs. 2,50,000/-
3.	Loss of consortium [Rs. 40,000 x 5 (claimants)]	Rs. 2,00,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
TOTAL		Rs. 38,46,164/-

4. The Court would further note that for the past half a decade interest has been awarded @9%. Accordingly, the impugned order is modified to the extent that the rate of interest on the awarded amount shall be payable @ 9% p.a.

5. Let the aforesaid amount of Rs. 38,46,164/-, alongwith interest accrued @ 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.

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

NOVEMBER 22, 2019

AB

NAJMI WAZIRI, J

नात्यमेव जयते