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

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Decided on: 06.09.2019

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MAC.APP. 729/2019

NAVIN PARCHA & ORS

..... Appellants

Through: Mr. Manish Maini, Advocate

versus

DEEPAK KUMAR & ORS (SHRI RAM GENERAL INSURANCE
CO LTD)

..... Respondent

Through: Mr. Sameer Nandwani, Advocate
with Mr. Karun Sharma, Advocate for
R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal seeks enhancement of the award of compensation on the ground that the learned Tribunal has erred in applying minimum wages of non-matriculate @ Rs. 14,698/-, because the Dearness Allowance was revised w.e.f. 01.04.2017 hence the actual wages as on the date of accident ought to have been considered as Rs. 14,958/- per month. Furthermore, the deceased was 30 years and 8 months of age at the time of accident, therefore, multiplier of 17 ought to have been applied instead of 16. This contention is not disputed by the insurance company. The Court is of the view that since the deceased had not attained the age of 31 years, therefore, she would duly be considered to be of only 30 years.

2. Accordingly, loss of dependency disputed payable to the claimants would be Rs. 14,958/- x 66.6/100 x 140/100 x 12 x 17= Rs. 28,48,000/-.
3. Each of the claimants shall also be entitled to compensation towards 'loss of consortium' and 'loss of love and affection' @ Rs.40,000/- and Rs.50,000/-, respectively, in terms of the dicta of the Supreme Court in ***Magma General Insurance Co. Ltd. Vs. Nanu Ram Alias Chuhru Ram & Ors.*** 2018 SCC Online SC 1546. Therefore, the amount payable would be Rs. 50,000/-x3+Rs.40,000/-x3 = 2,70,000/- The amount payable to the 28,48,000/- + 3,00,000/- = 31,48,000/-.
4. The enhanced amount be paid within three weeks from the date of receipt of copy of this order to be disbursed to the beneficiaries of the Award in terms of the scheme of disbursement specified therein.
5. The appeal is disposed-off in the above terms.
6. A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

SEPTEMBER 06, 2019

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