

\$~41

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

% *Decided on: 21.08.2019*

+ **MAC.APP. 748/2019**

SANGRAM PAL & ORS

..... Appellants

Through: Mr. Navneet Goyal, Advocate.

versus

FURKAN ANSARI & ORS

..... Respondents

Through: Mr. Sameer Nandwani and Mr. Pavan Kumar, Advocates for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 37392/2019

1. For the reasons mentioned in the application, the delay is condoned.
2. The application stands disposed-off.

MAC.APP. 748/2019

1. This appeal impugns the award of compensation passed by the learned MACT on 13.08.2018 in MAC Petition No. 5003/16 (Old MAC Petition No. 555/13) on the ground that it has erred in not granting compensation for (i) 'loss of consortium' and (ii) 'loss of love and affection' @ Rs. 40,000/- and Rs.50,000/- to each of the claimants in terms of the decision of the Supreme Court in *Magma General*

Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors. 2018 SCC
OnLine SC 1546

2. The position apropos entitlement of such legitimate claimants to compensation for ‘spousal’, ‘filial’ or ‘parental’ consortium, as may be, and for the ‘loss of love and affection’ for each of the claimants has been settled in ***Magma (supra)*** as mentioned in the preceding para.
3. The learned counsel for the respondent – insurance company fairly concedes to this position in law, and to the claimants’ entitlement in terms thereof.
4. The claimants are parents, widow and three minor children of the deceased, each of them would, accordingly, be entitled to compensation for ‘loss of consortium’ and for ‘loss of love and affection’ at the rate of Rs. 40,000/- and Rs. 50,000/- each respectively.
5. The respondent-insurance company shall compute the enhanced amount and deposit the same, alongwith interest @ 9% *per annum* from the date of filing of the claim petition, before the learned Tribunal, within four weeks from the date of receipt of copy of this order.
6. The deposited amount shall be disbursed to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.
7. The appeal is allowed in terms of the above.

NAJMI WAZIRI, J

AUGUST 21, 2019

AB