

\$~43

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

%

Decided on: 15.11.2019

+

MAC.APP. 874/2019

SAVITRI & ORS

..... Appellants

Through: Mr. Gaurav Kumar, Adv.

versus

INTEJAR ALI & ORS(UNITED INDIA
INSURANCE CO LTD)

..... Respondent

Through: Mr. S.N. Sinha, Adv. for R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

CM APPL. 49212/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed-off.

CM. APPL. 49213/2019 (for delay)

3. For the reasons mentioned in the application, it is allowed.
4. The delay in filing the appeal is condoned.
5. The application stands disposed-off.

MAC.APP. 874/2019

6. Issue notice.
7. The learned counsel named above accepts notice on behalf of the insurance company.
8. This appeal impugns the award of compensation dated 28.02.2019 passed by the learned MACT in MACP No. 450297/16, on the ground that

the same is on the lesser side apropos compensation awarded towards 'loss of dependency'. It was the claimants' case that the deceased was earning approximately Rs. 50,000/- per month, however, in the absence of any documentary evidence in support of the claim that the deceased was running a business under the name and style of S.R. Interiors and Exteriors, the minimum wages applicable to a semi-skilled worker was taken into account. The Court finds no reason to interfere with the said conclusion.

9. However, the Court would note that no compensation has been granted towards 'loss of love and affection' and 'loss of consortium'. There are four claimants, each of them would be entitled to compensation on account of 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs. 40,000/- respectively, in terms of the dicta of the Supreme Court in *Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors* 2018 SCC OnLine SC 1546. The same is granted to them.

10. In view, let the enhanced amount of Rs. 3.60 lacs (Rs. 50,000x4=Rs. 2,00,000/- and Rs. 40,000x4=Rs. 1,60,000/- = Rs. 3,60,000/-), along with interest @ 9% per annum 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 beneficiaries of the award in terms of the scheme of disbursement specified therein. Since there are four claimants, the money shall be distributed equally between them. The impugned order stands modified accordingly.

11. The appeal is disposed off in terms of the above.

NAJMI WAZIRI, J

NOVEMBER 15, 2019/KK