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

% *Decided on: 25.11.2019*

+ **MAC.APP. 897/2019**

JAGTAR SINGH

..... Appellant

Through: Mr. Anshuman Bal, Advocate.

versus

NATIONAL INS CO LTD & ORS

..... Respondents

Through: Mr. Shaumik Mazumdar, Advocate
for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 50678/2019 (delay of 54 days in filing) & CM APPL. 50679/2019 (delay of 40 days in re-filing)

1. These applications seek condonation of delay of filing and re-filing of the appeal.
2. For the reasons mentioned in the applications, the delay is condoned.
3. The applications stand disposed-off.
MAC.APP. 897/2019
4. Issue notice. The learned counsel named above accepts notice on behalf of the insurance company.
5. At joint request, the appeal is taken up for disposal.
6. This appeal impugns the award of compensation dated 13.02.2019 passed by the learned MACT in Suit No. 163/17 seeking enhancement of the compensation amount granted towards 'loss of dependency' on the ground

that minimum wages applicable for the year of 2016 were taken into consideration i.e. Rs. 9,724/-. Although in a subsequent Notification of GNCTD in August 2018, the same wages were notified as Rs. 13,350/-. Therefore, the latter figure ought to have been taken into consideration for re-computation of the 'loss of dependency'. The latter notification is not disputed. Therefore, the appellant's contention is valid. Accordingly, the compensation towards 'loss of dependency' shall be calculated as under:-

Rs.13,350/-(minimum wage) x 12 (months) x 18 (multiplier) x 50/100 (50% deduction towards personal expenses) x 140/100 (future prospects)= Rs. 20,18,520/-.

7. The Court would note that no monies have been granted towards compensation for 'loss of love and affection' and 'loss of consortium'. 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 be entitled to compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and @ Rs. 40,000/- respectively. It is so granted. Additionally, compensation towards 'Loss of Estate' and 'Funeral Expenses' would also be payable @ Rs. 15,000/- under each of the heads in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*, (2017) 16 SCC 680.

8. Accordingly, the total payable amount to the claimants would be as under:

S.No.	Particulars	Amount
1.	Loss of dependency	Rs. 20,18,520/-

2.	Loss of Love and Affection Rs. 50,000 x 1 (claimant)	Rs. 50,000/-
3.	Loss of Consortium Rs. 40,000 x 1 (claimant)	Rs. 40,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
TOTAL		Rs. 21,38,520/-

9. Let the aforesaid enhanced 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 beneficiaries of the Award, in terms of the scheme of disbursement specified therein.

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

NOVEMBER 25, 2019

AB/RW

NAJMI WAZIRI, J

नात्यमेव जयते