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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Decided on: 09.12.2019

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MAC.APP. 496/2018

PARWATI & ANR

..... Appellants

Through: Mr. Anshuman Bal, Adv.

versus

HDFC ERGO GENERAL INSURANCE CO. LTD. & ORS

..... Respondents

Through: Mr. Sameer Nandwani, Adv. with
Mr. Abhay Singh Bhadoria, Adv. for HDFC.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. The appellant seeks enhancement of the award of compensation dated 15.11.2016 passed by the learned MACT in Suit No. 3400/2016 on the following grounds that:-

- (i) Multiplier of 13 based upon the age of the mother of the deceased was taken into consideration instead of 18, which was relevant to the age of deceased who was 24 years of age at the time of the motor accident. The said contention is valid and is granted.
- (ii) Multiplier of 18 shall be applied instead of 13. No compensation for "loss of future prospects" has been granted, whereas the same was due @ 40%, in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi & Ors*, (2017) 16 SCC 680 as the deceased was under the age of 40 years and not a

permanent employee. This contention too is valid, therefore, this relief also is granted.

2. The Court would note that the compensation towards “loss of love and affection” and “loss of consortium” has been granted @ Rs. 1,00,000/- each. The claimants are the parents of the deceased, they will be entitled to compensation @ Rs. 50,000/- and Rs. 40,000/- for ‘loss of love and affection’ and ‘loss of consortium’ respectively, in terms of the *Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors.*, 2018 SCC OnLine SC 1546. The same is granted to them. Additionally, the claimants would also be entitled to and are hereby granted compensation towards “loss of estate” and “funeral expenses” @ Rs. 15,000/- under each head, in terms of *Pranay Sethi* (supra).

3. Accordingly, the amount payable to the claimants is as under:

S.No.	Particulars	Amount
1.	Loss of Dependency [Rs. 8,112/- (minimum wages applicable to a matriculate) x 12 (months) x 18 (multiplier) x 140/100 (loss of future prospects) x 50/100 (50% deduction towards personal expenses)]	Rs. 12,26,534/-
2.	Loss of love and affection [Rs. 50,000/- x 2 (claimants)]	Rs. 1,00,000/-
3.	Loss of consortium [Rs. 40,000/- x 2 (claimants)]	Rs. 80,000/-
4.	Loss of Estate	Rs. 15,000/-

5.	Funeral Expenses	Rs. 15,000/-
	TOTAL	Rs. 14,36,534/-

4. Let the aforesaid amount, alongwith interest @ 9% from the date of filing of the claim petition till its realisation, 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.

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

DECEMBER 09, 2019/kb

NAJMI WAZIRI, J



न्यायमेव जयते