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

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Decided on: 06.09.2019

+ MAC.APP. 109/2018

VIMLA & ORS

..... Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

BAJAJ ALLIANCE GEN INS CO LTD & ORS Respondents

Through: Mr. Pradeep Gaur, Advocate for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 10.11.2016 passed by the Ld. MACT in Petition No. 519/2009, on the ground that compensation towards 'loss of future prospects' has not been granted.

2. Since the deceased was 34 years of age on the date of the accident and was self-employed, the 'loss of dependency' was rightly calculated at Rs. 5,69,232/- {i.e. Rs. 3,953/- (minimum wage) x 12 (months) x 16 (multiplier) x 3/4 (dependency)}. However, compensation towards 'loss of future prospects' @ 40% ought to have been awarded as per dicta of Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi* (2017) 16 SCC 680. The same is now granted. Therefore, the amount payable shall be Rs. 5,69,232/- + 40% = Rs. 7,96,925/-.

3. Furthermore, each of the claimants shall also be entitled to compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs. 40,000/- respectively as per the dicta of the Supreme

Court in *Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors.*, 2018 SCC OnLine SC 1546. Additionally, compensation towards 'Loss of Estate' and 'Funeral Expenses' shall also be payable @ Rs. 15,000/- under each of the heads. Accordingly, the total payable amount would be as under:

S.No.	Particulars	Amount
1.	Loss of future prospects [Rs. 5,69,232/- + 40% future prospects as per <i>Pranay Sethi (supra)</i>]	Rs. 7,96,925/-
2.	Loss of love and affection [Rs. 50,000 x 5 (claimants)]	Rs. 2,50,000/-
3.	Loss of consortium [Rs. 40,000 x 5 (claimants)]	Rs. 2,00,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
TOTAL		Rs. 12,76,925/-

4. The insurer has already deposited Rs. 8,04,323/-. Hence, the enhanced amount of Rs. 4,72,692/- (Rs. 12,76,925/- less Rs. 8,04,323/-) alongwith interest accrued thereon @ 9% from the date of the filing of the petition till its realisation be deposited by the insurer within three weeks of receipt of a copy of this order. Upon deposit, the said monies shall 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.

NAJMI WAZIRI, J

SEPTEMBER 06, 2019/AB