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

+ MAC.APP. 475/2018

THE ORIENTAL INSURNACE CO LTD Appellant
Through: Mr. J.P.N. Shahi, Advocate.

versus

RAM DULARI DEVI & ORS Respondents
Through: Mr. A.K. Mishra, Advocate.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **31.01.2020**

CM APPL. 2016/2020 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off.

CM APPL. 2015/2020 (for delay)

This application filed by the respondents seeks condonation of delay in filing the review petition.

For the reasons mentioned, the delay is condoned.

The application stands disposed-off.

Review Pet. 13/2020 in MAC . APP. 475/2018

Issue notice.

The learned counsel named above accepts notice for the non-applicants/respondents .

At joint request, the review petition is taken up for disposal.

This review petition seeks correction of the judgment dated 23.10.2019, whereby an amount of Rs. 13,11,412/- had been directed to be paid to the claimants.

It is applicant's case that there is an error in the calculation because on 15.10.2019, the appellant had made a legal offer of Rs. 12,06,412/- as per the settlement. This amount had pecuniary and non-pecuniary components. The non-pecuniary component included Rs. 1,00,000/- each towards 'loss of love and affection' and 'loss of consortium'. However, in terms of dicta of the Supreme Court in *Magma General Insurance Co. Ltd. vs. Nanu Ram Alias Chuhru Ram & Ors.*, (2018) 18 SCC 130, the amount payable would be Rs.5,40,000/-. Therefore, setting off Rs. 2,00,000/- as already granted, Rs. 3,40,000/- more would be payable towards non-pecuniary damages.

In the circumstances, the amount payable to the claimants would be Rs. 12,06,412/- + Rs. 3,40,000/- i.e. Rs.15,46,412/-. Let the said amount be paid to the claimants, within a period of four weeks from the date of receipt of a copy of this order.

The review petition stands disposed-off in the above terms.

NAJMI WAZIRI, J

JANUARY 31, 2020

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