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

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Decided on: 10.12.2019

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MAC.APP. 642/2018

PINKI & ORS

..... Appellants

Through: Ms. Pinki Talukdar, Advocate.

versus

**RAJEEV & ORS(THE NEW INDIA
INSURANCE CO LTD)**

..... Respondents

Through: Mr. Maibam N. Singh, Advocate for
R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 27657/2018 (delay of 9 days in filing)

1. This application seeks condonation of delay of 9 days in filing of the appeal.
2. For the reasons mentioned in the application, the delay is condoned. The application stands disposed-off.

MAC.APP. 642/2018

3. This appeal impugns the award of compensation dated 26.03.2018, passed by the learned MACT in MACT No. 14287/15, on two grounds:
 - i) that the minimum wages applicable to an unskilled workman were applied for computation of compensation towards 'loss of dependency'.
 - ii) that the addition towards 'loss of future prospects' has not been granted.

4. The deceased was claimed to be a TSR driver. The claimants had brought on record the driving licence issued by the Transport Department, Government of NCT of Delhi (at page 192 of the LCR) alongwith a PSV Driver's Badge issued to a TSR driver. These two licences were obviously issued, after the Transport Department had satisfied itself that the deceased Dinesh Kumar possessed the requisite skills to drive a TSR; the licences are testimony of his skills.

5. In the circumstances, the minimum wages applied to a skilled workman ought to have been taken into consideration. It is so directed. Additionally, the deceased was 32 years of age at the time of the motor accident and was self-employed, therefore, in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*, (2017) 16 SCC 680, an addition of 40% ought to be and is granted towards 'loss of future prospects'.

6. The unfortunate motor accident occurred on 11.06.2014; as per the notification of the Government of NCT of Delhi dated 28.03.2014, minimum wages applicable to a skilled workman, with effect from 01.04.2014, were Rs. 10,374/- per month. The same shall be taken into consideration for computing compensation towards "loss of dependency".

7. The Court would note that 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 consortium' and 'loss of love and affection' @ Rs. 40,000/- and Rs. 50,000/- respectively. The same is granted to them. Additionally, compensation towards "loss of estate" and "funeral expenses" shall also be payable @ Rs. 15,000/- under each head, in terms of *Pranay Sethi* (supra).

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

S.No.	Particulars	Amount
1.	Loss of Dependency [Rs. 10,374/- (minimum wages applicable to a skilled workman) x 12 (months) x 16 (multiplier) x 140/100 (loss of future prospects) x 75/100 (1/4th deduction towards personal expenses)]	Rs. 20,91,398/-
2.	Loss of love and affection [Rs. 50,000/- x 4 (claimants)]	Rs. 2,00,000/-
3.	Loss of consortium [Rs. 40,000/- x 4 (claimants)]	Rs. 1,60,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
	TOTAL	Rs. 24,81,398/-

9. Let the aforesaid amount, alongwith 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 beneficiary(ies) of the Award in terms of the scheme of disbursement specified therein. The monies shall be released only into the bank accounts of the claimants maintained near their place of residence.

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

NAJMI WAZIRI, J

DECEMBER 10, 2019/AB