

\$~1

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

%

Decided on: 06.09.2019

+ **MAC.APP. 365/2017**

SANTO DEVI & ANR

..... Appellants

Through: **Mr. S.N. Parashar, Advocate.**

versus

LEKH RAM & ORS (TATA AIG GEN INS CO LTD)

..... Respondents

Through: **Mr. Sameer Nandwani, Advocate for R-3.**

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 07.09.2016 passed in Suit No. 56287/2016 on the grounds that: (i) it has not granted compensation towards a) 'loss of future prospects' and b) 'loss of love and affection', and (ii) the multiplier of 15, according to the age of the parents has been applied instead of age of the deceased. The multiplier of 17 in terms of the age of the victim, ought to have been applied. It is so ordered.

2. As regards the first contention, compensation of 50% shall be awarded towards "loss of future prospects" in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi & Ors* (2017) 16 SCC 680. Accordingly, in the fact of this case, there will be an addition of 50% compensation towards 'loss of future prospects'.

Additionally, each of the claimants would be entitled to compensation towards 'loss of love and affection' @Rs. 50,000/- for 'loss of consortium' @Rs. 40,000/-. Accordingly, the amount payable would be Rs.6,656/- $\times 12 \times 17 \times 50 / 100 \times 140 / 100 =$ Rs. 9,50,477/- + (Rs. 50,000/- $\times 2$ + Rs. 40,000/- $\times 2$ + Rs. 15,000/- $\times 2$ towards 'funeral expenses' and 'loss of estate' i.e.) Rs. 2,10,000/- = Rs. 11,60,477/-, alongwith interest @9% per annum from the date of filing of the DAR i.e. 31.05.2012 till its realization.

3. The aforesaid enhanced amount shall be deposited before the learned MACT, to be disbursed to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.

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

NAJMI WAZIRI, J

SEPTEMBER 06, 2019

RW

नात्यमेव जयते