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

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Decided on: 07.11.2019

+ MAC.APP. 723/2018, CM APPL. 31453/2018 & CM APPL. 31455/2018

SHRIRAM GENERAL INSURANCE CO LTD Appellant

Through: Mr. Sameer Nandwani, Adv.

versus

ANNU GUPTA & ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. This appeal impugns the award of compensation dated 11.05.2018 passed by the learned MACT in Petition No.75413/16 on the ground that the earning through rental income which would continue even after demise of the deceased has been included in the annual income of the deceased. The ITR of AY-2013-2014 shows income from house property as Rs.1,00,800/-, since this income would continue even after the demise of the deceased, it needs to be and is directed to be deducted from the total income of the deceased, which was Rs.3,58,200/-. The impugned order is modified to this extent.

2. The Court would note that only Rs.40,000/- has been granted towards 'loss of consortium'. There are four claimants and each

would be entitled to compensation towards 'loss of consortium' and 'loss of love and affection' @ Rs.40,000/- and Rs.50,000/- respectively, in terms of dicta of Supreme Court in *Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors.*, 2018 SCC OnLine SC 1546. The same is granted to them.

3. Let the insurer calculate the amount payable to the claimant, in terms of the above, and the enhanced amount along with interest @ 9% from the date of filing of the claim petition till its realization shall 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.

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

NOVEMBER 07, 2019

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NAJMI WAZIRI, J