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

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Decided on: 06.12.2019

+ MAC.APP. 629/2017 & CM 25720/2017

BACHAN SINGH KENTURA & ANR Appellant

Through: Mr. K.S. Negi, Adv. with

Mr. Arpan Malik, Adv.

versus

SAMESHWAR RAMAN & ORS (CHOLAMANDALAM MS

GENERA INSURANCE CO LTD) Respondents

Through: Ms. Suman Bagga, Adv.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal seeks enhancement of the award of compensation dated 08.02.2017 passed by the learned MACT in Suit No. 56/11 on the ground that the minimum wages applicable to an unskilled worker were taken into consideration while the deceased was trained and working as a waiter and had passed Class 12 examinations. Therefore, the minimum wages applicable to a matriculate at the relevant time ought to have been taken into consideration. The same was Rs. 6,448/-. The argument is valid. Accordingly, Rs. 6,448/- shall be applied as the base income, while computing compensation towards "Loss of dependency".

2. The Court would note that the deceased was 20 years of age at the time of the motor accident. Therefore, there shall be an addition of 50% 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.

3. The learned Tribunal has erroneously applied the multiplier of 11, by considering the age of the father of the deceased. The same ought to have been 18 on the basis of the age of the deceased. It is so ordered.

4. The Court would also note that no monies have been awarded to the claimants towards 'loss of consortium' which in terms of the dicta of the Supreme Court in *Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors*, 2018 SCC OnLine SC 1546, would be payable @ 40,000/- to each of the claimants. The same is awarded to them. Additionally, the claimants would also be payable compensation towards 'loss of estate' and 'funeral expenses' @ Rs. 15,000/- under each head, in terms of *Pranay Sethi* (supra).

5. Accordingly the amount payable to the claimants would be as under:

S.No.	Particulars	Amount
1.	Loss of dependency [Rs.6,448/- (minimum wages applicable to a matriculate) x 12 (months) x 18 (multiplier) x 150/100 (loss of future prospects) x 50/100 (50% deduction towards personal expenses)]	Rs. 10,44,576/-
2.	Loss of consortium [Rs. 40,000/- x 2 (claimants)]	Rs. 80,000/-
3.	Loss of Estate	Rs. 15,000/-
4.	Funeral Expenses	Rs. 15,000/-
TOTAL		Rs. 11,54,576/-

6. Let the aforesaid amount, alongwith interest @ 9% from the date of filing of the claim petition till its realisation, be deposited before the learned Tribunal, within three weeks from the date of receipt of copy of this order, to be released to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.

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

NAJMI WAZIRI, J

DECEMBER 06, 2019

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