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

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Decided on: 27.08.2019

+ MAC.APP. 852/2018 & CM APPL. 38964/2018

SHRIRAM GENERAL INSURANCE CO LTD Appellant

Through: Mr. Arun Yadav, Advocate.

versus

SANTOSH DEVI & ORS Respondents

Through: Mr. Anuj Ahlawat, Proxy Counsel for
R-1 to R-5.

(Enrl. No. D-6399/18)

(Mob.-9899886350).

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation on the ground that compensation towards “loss of future prospects” has been granted @ 50% instead of 30%, as has been laid down in the dicta of the Supreme Court in *National Insurnace Co. Ltd. vs. Pranay Sethi & Ors.* (2017) 16 SCC 680 in para 61(iii). The deceased was a government employee and his age was 47 on the date of accident, therefore, he will be entitled to 30% towards “loss of future prospects”

2. The learned counsel for the respondent has no objection. It is accordingly so ordered.

3. The impugned order has awarded only Rs. 40,000/- towards “loss of consortium”. The Court would note that in terms of the dicta of the Supreme

Court in *Magma General Insurance Co. Ltd. vs. Nanu Ram Alias 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. Accordingly, let a fresh computation be made in terms of the above, and the amount be deposited by the insurance company within four weeks from the date of receipt of copy of this order, including the compensation @Rs. 40,000/- and @Rs. 50,000/- towards “loss of consortium” and “loss of love and affection”, respectively for each of the claimants.

4. The computed amount shall include interest at the same rate and date awarded by the learned MACT, till its realization. The monies shall be deposited before the learned Tribunal to be disbursed to the beneficiaries of the Award in terms of the scheme of disbursement specified therein.
5. The appeal is allowed and disposed-off in the above terms.
6. Statutory amount be returned to the appellant, alongwith interest accrued thereon.
7. A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J.

AUGUST 27, 2019

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