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

% *Decided on: 01.10.2019*

+ MAC.APP. 612/2015 & CM APPL. 13665/2015
NATIONAL INSURANCE CO LTD Appellant
Through: Mr. Pankaj Seth, Advocate.

versus

SARLA & ORS Respondents
Through: Mr. Divakar Sharma, Adv. for R-1 to
R-4.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. This appeal impugns the award of compensation dated 10.04.2015 passed by the learned MACT in Case No. 385/2014 on the sole ground that the learned Tribunal had assumed that it was *"a well-known fact that police personnel are getting salary for 13 months in a year"*.
2. This Court is of the view that the payment of salaries to Government employees, especially to police men could have been easily verified by the employer i.e. the Punjab Police, guess work in this regard would be inappropriate. In the circumstance, the case is remanded to the learned Tribunal for determination of this issue. Nevertheless, there is no dispute of payment of salaries for, at least, twelve months of the year. The dispute would, therefore, be only for the income of 13th month plus 50% addition thereon towards 'loss of future prospects'.

3. The Court would note that the compensation awarded to the claimants on account of 'loss of consortium' and 'loss of love and affection' is Rs. 1,00,000/- each. However, in view 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 for 'loss of consortium' and 'loss of love and affection' @ Rs. 40,000/- and Rs. 50,000/- respectively. In effect, the amounts payable under these two heads would be Rs. 1,60,000 plus Rs. 2,00,000/-.

4. Additionally, the claimants shall also be payable compensation towards 'funeral expenses' and 'loss of estate' @ Rs. 15,000/- each i.e. Rs. 30,000/- as per the dicta of the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi & Ors.*, (2017) 16 SCC 680.

5. The amount payable to the claimants shall be:

S.No.	Particulars	Amount
1.	Loss of Dependency [Rs. 33,279/- (Rs. 22,186/- plus 50%) x 12 (months) x 15 (multiplier) x 75/100 (1/4 th deduction towards personal expenses)]	Rs. 44,92,665/-
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. 48,82,665/-

6. For the moment, the total amount payable to the claimants is Rs. 48,82,665/-. Let the same be deposited, alongwith interest @ 9% p.a. from the date of filing of the claim petition till its realization, before the learned Tribunal, within three weeks 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.

7. Apropos the assessment of the thirteenth month salary, the case is remanded to the learned Tribunal for determination upon due confirmation of such payment on a regular basis to the employees of Punjab Police, by the employer of the deceased. The parties shall appear before the learned Tribunal on 21.01.2020. LCR be returned to the learned Tribunal before which the parties shall appear on the aforesaid date. Since this is a very minor issue, the learned counsel for the parties shall request the learned Tribunal to dispose it off within a period of three months.

8. Since the appellant has been partly successful in its appeal, the statutory amount alongwith interest accrued thereon, be returned to the appellant.

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

NAJMI WAZIRI, J

OCTOBER 01, 2019

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