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

% *Decided on: 28.08.2019*

\+ MAC.APP. 831/2017 & CM APPL. 33635/2017

KAVITA RANI & ORS ..... Appellants

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

Versus

SUBHASH CHAND & ORS (THE NEW INDIA INSURANCE CO LTD) ..... Respondents

Through: Mr. Vandana Surana, Advocate for insurance company.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 33635/2017

1. This application seeks condonation of delay of 17 days in filing the appeal.

2. For the reasons mentioned in the application, the delay in filing the appeal is condoned.

3. The application stands disposed-off.

MAC.APP. 831/2017

4. The award of compensation is impugned on the ground that compensation towards 'loss of future prospects' has not been granted which ought to have been in terms of the dicta of the Supreme Court in ***National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*** (2017) 16 SCC 680.

5. The deceased was 31 years of age, his income has been established. The 'loss of dependency' has been calculated at Rs. 46,72,000/-. Therefore, in terms of para 61 (iii) of ***Pranay Sethi*** *(supra)*, he would be entitled an addition of 50% of actual salary towards 'loss of future prospects'. It is so granted.

6. Additionally, each of the claimants shall be entitled to Rs. 40,000/- and Rs. 50,000/- each towards 'loss of consortium' and 'loss of future prospects' resepectively, in terms of the dicta of the Supreme Court in ***Magma General Insurance Co. Ltd. vs. Nanu Ram @ Churu Ram & Ors.*** 2018 SCC OnLine SC 1546**.** It is so granted to them.

7. The learned counsel for the respondent-insurance company fairly submits that indeed in terms of the legal position the said monies would be payable. However, she submits that in a related appeal filed by the insurance company i.e. in MAC APP. 769-2017, the TDS has not been allotted to be deducted.

8. The learned counsel for the appellant submits that the tax would obviously be deductable as per the law.

9. The insurance company shall compute the award in terms of this order. After deducting the income-tax as may be applicable, the post-tax amounts including the interest accrued thereon shall be deposited before the learned Tribunal within four weeks of receipt of copy of this order for disbursement to the beneficiaries of the award in terms of the scheme of disbursement specified therein.

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

NAJMI WAZIRI, J

AUGUST 28, 2019/AB