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

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Decided on: 23.09.2019

+ **MAC.APP. 90/2017**

SAMINUDDIN & ORS

..... Appellants

Through: Mr. Ashwini Kumar Mishra,
Advocate.

versus

UNITED INDIA INSURANCE CO LTD & ORS Respondents

Through: Mr. B. Raman and Mr. Rohish Arora,
Advocates for R-2 & R-3.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM APPL. 33916/2018 (for delay)

1. This application seeks condonation of delay of five days' in filing the appeal.
2. For the reasons mentioned in the application, the delay is condoned.
3. The application stands disposed-off.

MAC.APP. 90/2017

4. This appeal seeks enhancement of the Award dated 28.07.2016 passed by the learned MACT in Suit No. 607/2014 on the ground that: i) the compensation towards 'future prospects', in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi & Ors.* (2017) 16 SCC 680, has not been granted; ii) the deceased was 22 years of age at the time of his demise; iii) he was not in a permanent employment, therefore, the compensation @40% towards 'future prospects' should be

granted. There is merit in the argument. Accordingly, the appellants are awarded 40% towards 'loss of future prospects' in addition to compensation towards 'loss of dependency'.

5. The Court would note that the compensation towards 'loss of estate' has been granted @ Rs.10,000/- and towards 'funeral expenses' @ Rs. 25,000/- has been granted. In terms of ***Pranay Sethi (supra)***, the same would be @ Rs. 15,000/- for each head. Therefore, the latter amount of Rs. 30,000/- (Rs. 15,000/-x2) shall be paid.

6. Furthermore, for the compensation towards 'loss of love and affection' lumpsum Rs. 1 lac has been granted. 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 shall be entitled to and are awarded compensation towards 'loss of love and affection' @Rs. 50,000/-. They are also entitled to and are awarded compensation towards 'loss of consortium' @ Rs. 40,000/- each, in terms of the ***Magma General Insurance Co. Ltd. (supra)***.

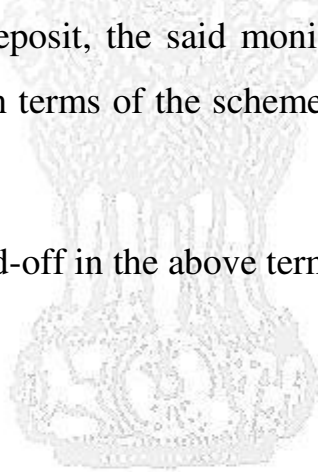
7. Accordingly, the amounts payable are as under:-

S.No.	Particulars	Amount
1.	Loss of Dependency Rs.8,086 (minimum wages) x 12 (months) x 18 (multiplier) x 50/100(personal expenses) = Rs. 8,75,000/- (rounded off) x140/100 (future prospects)	Rs. 12,25,000/-
2.	Loss of Estate	Rs. 15,000/-
3.	Funeral Expenses	Rs. 15,000/-
4.	Loss of love and affection 50,000x6	Rs. 3,00,000/-

	(claimants)	
5.	Loss of consortium 40,000x6 (claimants)	Rs. 2,40,000/-
	Total	Rs. 17,95,000/-

8. The insured has already deposited Rs. 10,10,000/- alongwith interest accrued thereon. Hence, the enhanced amount of Rs. 7,85,000/- (Rs. 17,95,000/- less Rs. 10,10,000/-) alongwith interest accrued thereon @ 9% from the date of the filing of the petition till its realisation, be deposited before the learned Tribunal by the insurer within three weeks of receipt of a copy of this order. Upon deposit, the said monies shall be released to the beneficiaries of the award in terms of the scheme of disbursement specified therein.

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



NAJMI WAZIRI, J

SEPTEMBER 23, 2019/RW

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