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

% *Decided on: 11.09.2019*

+ MAC.APP. 627/2015

SARASWATI DEVI & ANR Appellants

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

versus

HEMA RAM & ORS (SBI GENERAL INS CO LTD)

..... Respondents

Through: Mr. R.K. Singh, Advocate for R-2.
Mr. Aman Shanker and Mr. Gagan
Singh, Advocates for SBI General.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 17.04.2015 passed by the learned MACT in M.A.C. Petition No. 57/2013, on two grounds that:-

(i) the multiplier of 14 was taken on the basis of the age of the claimants instead of age of the deceased. The Court notes that the deceased was 22 years of age, therefore, multiplier of 18 ought to have been applied, in view of the dicta of the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi & Ors.* (2017) 16 SCC 680. Accordingly, multiplier of 18 shall be applied. Furthermore, the annual earnings of the deceased (a self-employed bachelor) was computed @ Rs.62,544/-, of which 50% was deducted, towards his personal expenses. The loss of annual dependency was computed at Rs. 31,272/-. In terms of the dicta of the Supreme Court in

Pranay Sethi (*supra*), he would be entitled to 40% towards ‘loss of future prospects’ since he was under 40 years of age and self-employed.

(ii) the compensation towards ‘loss of consortium’ and ‘loss of love and affection’ ought to have been granted to each of the claimants in view 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, @Rs. 40,000/- and @Rs. 50,000/- respectively. Compensation towards ‘loss of love and affection @50,000/- each, which has already been granted to them. They are also entitled to compensation for “loss of filial consortium” @ Rs. 40,000/- each and towards ‘loss of estate’ and ‘funeral expenses’ @ Rs. 15,000/- per Head. It is granted to them.

2. Accordingly, the total compensation payable would be as under:

S.No.	Particulars	Amount
1.	Loss of Dependency Rs.62,544/-x50/100 = Rs. 31,272/- [Rs. 31,272/- x 18 (multiplier) x 140/100 (future prospects)]	Rs. 7,88,055/-
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/-
5.	Loss of love and affection	Rs. 80,000x2(claimants) = Rs. 1,00,000/-
	Total	Rs. 9,98,055/-

3. The insured has already deposited Rs. 5,72,808/- along with interest accrued thereon. Hence, the enhanced amount of Rs. 4,25,247/- (Rs. 9,98,055/- less Rs. 5,72,808/-) 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.

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

SEPTEMBER 11, 2019

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NAJMI WAZIRI, J



न्यायमेव जयते