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

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Decided on: 28.08.2019

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MAC.APP. 925/2018

DOLLY & ORS.

.....Appellants

Through: Mr. A. S. Rana, Advocate.

Versus

NATIONAL INSURANCE CO LTD & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

CM No.38469/2019 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off.

CM No.38468/2019 (for early hearing)

This application seeks early hearing of the appeal.

For the reasons mentioned in the application, it is allowed.

The application stands disposed-off.

MAC.APP. 925/2018

1. At joint request, the appeal is taken up for hearing.

2. The appeal impugns the award of compensation granted on 10.07.2018 by the learned MACT in MACT No. 160/16 to the appellants – claimants on the ground that despite a Matriculation Certificate of the deceased having been furnished (Ex.PW1/7 at page 281 of the LCR), the learned MACT has erred in not considering the minimum wages for a matriculate, instead it has considered the minimum wages applicable to an unskilled labourer.

3. Since the said document is on record, the same ought to have been considered. The error is apparent. Accordingly, the basis of the calculation made by the learned MACT is altered. The minimum wages applicable to a matriculate at that time was Rs.10,998/- per month. Hence, the amount payable would be Rs.14,95,728/- [Rs.10,998/- x 12(months) x 17 (multiplier) less 1/3rd (towards personal expenses)].

4. Since the deceased was 30 years of age and was self-employed, the claimants would be entitled to addition of 40% towards ‘loss of future prospects’ as per the dicta of Supreme Court in ***National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*** (2017) 16 SCC 680. It is so ordered.

5. Additionally, each of the claimants would be entitled to compensation under the heads of ‘loss of consortium’ and ‘loss of love and affection’ at the rate of Rs.40,000/- and Rs.50,000/- respectively, in terms of the judgment of ***Magma General Insurance Co. Ltd. vs. Nanu Ram & Chuhru Ram & Ors.***, 2018 SCC OnLine SC 1546. It is so ordered.

6. Let a fresh computation be made by the insurance company within three weeks of receipt of copy of this order and the enhanced amount,

alongwith interest accrued thereon, be deposited before the learned MACT within the said period for disbursement to the beneficiaries of the Award in terms of the scheme of disbursement specified therein.

7. The appeal stands disposed-off in terms of the above.

8. The date already fixed i.e. 12.10.2019 stands cancelled.

9. A copy of this order be given *dasti* to the learned counsel for the appellants under the signature of the Court Master.

AUGUST 28, 2019

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NAJMI WAZIRI, J.



सत्यमेव जयते