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

% *Decided on: 01.08.2019*

\+ **MAC.APP. 833/2017 & CM APPL. 33642/2017**

BIMLESH & ANR ..... Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

BAJAJ ALL GENERAL INSURANCE CO LTD & ORS ..... Respondents

Through: Mr. A.K. Soni, Advocate for R-1.
Ms. Usha Pandey, Advocate for R-2 & 3.

CORAM:
HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal by the claimants impugns the award inasmuch as it has not granted "loss of future prospects" in terms of the dicta of the Supreme Court in ***National Insurance Company vs Pranay Sethi*** (2017) 16 SCC 680. In the present case, the deceased was 19 years old and was self-employed, therefore, he would be entitled to compensation at the rate of 40% towards "loss of future prospects" in terms of the aforesaid judgment. It is so granted.

2. Additionally, the Court would note that nothing has been awarded towards "loss of filial consortium". The claimants would be entitled to Rs. 50,000/- each as per the dicta of the Supreme Court in ***Magma General Insurance Company Limited vs Nanu Ram Alias Chuhru Ram and Ors.*** 2018 SCC OnLine SC 1546.

3. Since this enhanced amount towards "loss of future prospects" is granted on the basis of ***Pranay Sethi*** *(supra)* which was pronounced on 31.10.2017, it will be paid with interest @9% from the date of the said judgment. Similarly, payment towards "loss of filial consortium" shall be granted with effect from the date of the judgment of Supreme Court in ***Magma*** *(supra)* i.e. 18.09.2018.

4. The age of the deceased, not the age of the parents would be taken for computation of "loss of dependency". The age of the deceased was 19 years. Therefore, in terms of ***Pranay Sethi*** *(supra)*, the multiplier applicable would be 18 instead of 14, as has been taken in the impugned order for computation towards "loss of dependency". Accordingly, the amount payable under this head will be Rs. 10,61,424/-(7020x12x18x1/2+40%).

5. Interest @9% on this amount shall be payable from the date of the judgment of ***Pranay Sethi*** *(supra)*. Let the extra amount be deposited by the insurance company within 6 weeks from the date of receipt of this order before the learned Tribunal for disbursement in terms of the scheme of disbursement. The insurance company shall have the right of recovery of the said amount against respondent nos. 2 and 3 i.e. the owner and the driver jointly.

6. The appeal, alongwith pending application, is disposed-off in the above terms.

NAJMI WAZIRI, J.

AUGUST 01, 2019
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