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

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Decided on: 17.10.2019

+ MAC.APP. 1059/2018

ALI HASSAN & ANR

..... Appellants

Through: Mr. Rajeev Sood, Adv.

versus

RAM DHAN & ORS (M/S NEW INDIA ASSURANCE CO LTD)

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J (Oral)

1. This appeal impugns the award of compensation dated 06.08.2018 passed by the learned MACT in MACT No. 263/17 on the ground that the learned Tribunal has erred in not granting compensation towards 'loss of future prospects' to the deceased home-maker, who was a victim of the unfortunate motor vehicular accident. The said contention is correct. In view of the dicta of the Supreme Court in *National Insurance Co. Ltd. vs. Pranay Sethi & Ors.*, (2017) 16 SCC 680 the claimants would be entitled to compensation towards 'loss of future prospects' @ 30%, because the deceased was 48 years of age at the time of the motor accident and falls in the age bracket of 40-50 years. The same shall be added to the computation for 'loss of dependency'.

2. Additionally, in *Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors.*, 2018 SCC OnLine SC 1546, the Supreme Court held that each of the claimants shall be entitled to compensation towards 'loss of consortium' and 'loss of love and affection' @ Rs. 40,000/- and Rs. 50,000/- respectively. The same is granted to each of the claimants. Similarly, compensation towards 'Loss of Estate' and 'Funeral expenses' @ Rs.15,000/- under each head shall also be payable to the claimants as per *Pranay Sethi (Supra)*. The same is granted.

3. Accordingly, the total amount payable to the claimants is as under:

S.No.	Particulars	Amount
1.	Loss of Dependency [Rs. 9,568/- (minimum wage) x 12 (months) x 13 (multiplier) x 130/100 (loss of future prospects) x 66.66/100 (1/3rd deduction towards personal expenses)]	Rs. 12,93,465/-
2.	Loss of love and affection [Rs. 50,000/- x 2 (claimants)]	Rs. 1,00,000/-
3.	Loss of consortium [Rs. 40,000/- x 2 (claimants)]	Rs. 80,000/-
4.	Loss of Estate	Rs.15,000/-
5.	Funeral Expenses	Rs.15,000/-
	TOTAL	Rs. 15,03,465/-
	Less Rs. 5,67,536/- (amount awarded by Ld. Tribunal) Rs. 15,03,465/- less Rs. 5,67,536/-	Rs. 9,35,929/-

4. The insurance company is stated to have paid the monies in terms of the scheme of disbursement specified in the impugned Award. Let the enhanced amount of Rs. 9,35,929/-, alongwith interest @ 9% from the date of filing of the claim petition till its realization, be deposited before the learned Tribunal within three weeks from the date of receipt of copy of this order to be released to the beneficiary(ies) of the Award in terms of the scheme of disbursement specified therein.

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

OCTOBER 17, 2019

AB

NAJMI WAZIRI, J



सत्यमेव जयते