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

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Decided on: 29.08.2019

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MAC.APP. 319/2018

SAMIM & ANR

..... Appellants

Through: Mr. Anshuman Bal, Advocate.

versus

BAJAJ ALLIANCE GEN INS CO LTD & ANR Respondents

Through: Mr. A.K. Soni and Mr. Pavan Kumar,
Advocates for insurance company.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal seeks enhancement of compensation on the ground that the impugned award has erred in : i) not granting 40% towards “loss of future prospects” and; ii) since the deceased was 25 years of age, multiplier of 18 ought to have been applied instead of 13, in terms of the dicta of the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi & Ors.* (2017) 16 SCC 680. The said contention is, fairly, not disputed by the learned counsel for the insurance company.

2. Accordingly, the appellant shall be entitled to relief, in terms of the aforesaid contention.

3. The appellants shall also be entitled for compensation towards “loss of consortium” @Rs. 40,000/- each, in terms 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 and to Rs. 15,000/- each towards “Loss of Estate” and “Funeral Expenses” in terms of *Pranay Sethi (supra)* (2017) 16 SCC 680.

4. In terms of the above, computation is carried out afresh as under:

- (i) For ‘loss of earning’ and future ‘loss of future prospects’, the amount payable to the appellants shall be Rs. $9,178/- \times 12 \times 18 \times 50/100 \times 140/100 =$ Rs. 13,87,713/-.
- (ii) For ‘Loss of consortium’ Rs. 40,000/- x 2 = 80,000/-.
- (iii) For ‘Loss of love and affection’ Rs. 50,000/- x 2 = 1,00,000/-.
- (iv) For ‘Loss of Estate’ Rs. 15,000/-.
- (v) Funeral Expenses Rs. 15,000/-.

The total amount being Rs. 2,10,000/- + 13,87,713/- = 15,97,713/-

5. The said amount, alongwith the interest accrued thereon, shall be deposited by the insurance company before the learned Tribunal, within four weeks from the date of receipt of copy of this order, to be disbursed to the beneficiaries of the Award in terms of the scheme of disbursement specified therein.

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

NAJMI WAZIRI, J

AUGUST 29, 2019

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