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

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Decided on: 28.02.2020

+ **MAC.APP. 111/2020 & CM APPL. 7983/2020**

NAINA & ANR

..... Appellants

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

versus

HARENDER PAL SINGH & ORS (ORIENTAL INSURANCE CO LTD)

..... Respondents

Through: **Mr. Pradeep Gaur and Ms. Preeti Kumari, Advocates for R-2.**

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. Issue notice.
2. The learned counsel named above accepts notice on behalf of the insurance company.
3. At joint request, the appeal is taken up for disposal.
4. This appeal impugns the award of compensation dated 30.09.2019 passed by the learned MACT in MACT No. 477/18, insofar as non-pecuniary compensation towards 'loss of love and affection' and 'loss of consortium' has not been granted to the claimants i.e. the parents of the

deceased, his sister, his son and his spouse. Each of the claimants has suffered the said loss in his/her own respective way.

5. The Court would note that each of the claimants has suffered 'loss of love and affection' and 'loss of consortium'. Accordingly, in terms of the dicta of Supreme Court in *Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors.*, (2018) 18 SCC 130, each of them is entitled to and is, hereby, granted Rs. 50,000/- and Rs. 40,000/- towards 'loss of love and affection' and 'loss of consortium' respectively. Accordingly, the amount payable under the aforesaid heads shall be as under:

Sl. No.	Heads	Amount
1.	Loss of Love and Affection [Rs. 50,000/- x 5(claimants)]	Rs. 2,50,000/-
2.	Loss of Consortium [Rs. 40,000/- x 5 (claimants)]	Rs. 2,00,000/-
	Total	Rs. 4,50,000/-

6. A similar relief was granted by this Court in *National Insurance Co. Ltd. vs. Lokesh Verma & Ors.*, MAC. APP. 762-763/2019, decided on 02.09.2019, relying upon the dicta of the Supreme Court in *Magma (supra)*, wherein this Court had awarded compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs. 40,000/- respectively, to each of the claimants. In the aforesaid judgment, it was held as under:

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10. *The Court would note that in terms of Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors., 2018 SCC OnLine SC 1546, each of the two claimants would be entitled to an award of compensation at the rate of Rs. 40,000/- and Rs. 50,000/- towards 'loss of consortium' and 'loss of love and affection' respectively. The impugned order has only awarded Rs. 40,000/- towards 'loss of consortium', same would have to be supplemented by another Rs. 40,000/- towards "loss of consortium" and Rs. 1,00,000/- towards "loss of love and affection" (Rs. 50,000/-x2). "*

7. SLP (Civil) No(s). 25316-25317/2019, against the aforesaid order was dismissed by the Supreme Court on 24.10.2019.

8. Let the aforesaid amounts, alongwith interest accrued thereon @ 9% p.a. from the date of filing of the claim petition till its realization, be directly deposited into the bank accounts maintained near the place of residence of the beneficiary(ies) of the Award, to be released to them in terms of the scheme of disbursement specified in the Award, within three weeks from the date of receipt of copy of this order.

9. The appeal is disposed-off in terms of the above.

NAJMI WAZIRI, J

FEBRUARY 28, 2020

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