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

+ **MAC.APP. 181/2020**

THE ORIENTAL INSURANCE CO LTD

..... Appellant

Through: Mr. A.K. Soni, Advocate.

versus

SMT LALITA SONI & ORS.

..... Respondents

Through: Mr. Anshuman Bal, Advocate.

CORAM:

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

22.09.2020

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(Video Conference Hearing)

MAC.APP. 181/2020 & CM APPL. 22038-40/2020

During the course of hearing, Mr. Soni, ld. Counsel for the appellant presses the appeal to assail the impugned award dated 22.02.2020 on two counts. One, with regard to the award of compensation under the head of loss income calculated @ Rs.10,000/- per month as against the income of Rs.7,325/- per month asserted to by the insurance company. The other is with regard to the award of compensation under the head of loss of love and affection in the sum of Rs.1,50,000/-.

As regards the award of compensation in the sum of Rs.1,50,000/- under the head of love and affection, Mr. Bal, ld. Counsel for the respondents – the claimants fairly concedes that the award of such

compensation would not be in consonance with the judgment of the Supreme Court in *Pranay Sethi*'s case followed by *Satinder Kaur*'s case. He thus concedes that the compensation awarded under the said head may be deleted from the award amount. As regards the income of the deceased having been taken at Rs.10,000/- per month as against Rs.7,325/- per month as asserted by the insurance company- being the minimum wages of an unskilled worker in Madhya Pradesh, it would suffice to observe that the claimants asserted the deceased aged about 45 years to be in some kind regular employment as a store keeper and drawing Rs.15,000/- per month rather than being in some casual employment. In the totality of the facts and circumstances, the Court does not see any good reason to interfere with the impugned award under the head of loss of income having taken the income of the deceased at Rs.10,000/- per month.

In view of the foregoing, the impugned award dated 22.02.2020 is reduced by Rs.1,50,000/- deleting such compensation under the head of love and affection. The impugned award stands modified accordingly. The amounts due under such modified head be deposited with the Tribunal within four weeks from today, which shall be apportioned in consonance with the other terms of the award. The appeal along with pending applications stand disposed of accordingly.

A. K. CHAWLA, J

SEPTEMBER 22, 2020

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