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

% Judgment delivered on: 10th February, 2021

+ MAC.APP. 262/2020 & CM APPLN. 32271/2020

M/S NATIONAL INSURANCE COMPANY LTD. Appellant

versus

AMIR HASSAN & ORS. Respondents

Advocates who appeared in this case:

For the Petitioner: Ms. Rakhi Dubey, Advocate (through VC)

For the Respondents: Mr. Anshuman Bal, Advocate for R-1 to R-5

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J.

1. Appellant impugns judgment dated 02.12.2019 whereby the claim petition filed by respondent nos. 1 to 5 was allowed and compensation awarded.

2. Learned counsel appearing for the appellant contends that the only issue arising in the present appeal is with regard to award of compensation under the head of '*Loss of Love and Affection*'.

3. Learned counsel submits that in view of the judgment of the Supreme Court dated 30th June, 2020 in '*United India Insurance Company Vs. Satinder Kaur @ Satwinder Kaur*', (Civil Appeal

No.2705/2020) no separate compensation could have been made awarded the head of '*Loss of Love and Affection*' in addition to award of compensation under the head of '*Loss of Consortium*'.

4. Learned counsel for respondent nos. 1 to 5 concedes to the said position and submits that he has no objection in case the award is modified and the award of compensation under the head '*Loss of Love and Affection*' is deleted.

5. The Supreme Court in *United India Insurance Company Vs. Satinder Kaur @ Satwinder Kaur (Supra) relying upon Magma General Insurance Co. Ltd versus Nanu Ram & Ors (2018) 18 SCC 130* has held that consortium includes spousal consortium, parental consortium, as well as filial consortium. Loss of love and affection is comprehended in loss of consortium. The Supreme Court directed that the Tribunals and High Courts to award compensation for loss of consortium, which is a legitimate conventional head and held that there was no justification to award compensation towards loss of love and affection as a separate head.

6. In the present case, the Tribunal has awarded separately under the head '*loss of consortium*' and '*loss of love and affection*', which could not have been done.

7. In view of the above, the appeal is allowed to the said extent. Award dated 02.12.2019 is modified and compensation awarded under the head '*Loss of Love and Affection*' is accordingly deleted.

8. Since there is no challenge to the remaining award, rest of the award is consequently upheld.

9. Learned counsel for the appellant submits that the compensation amount has already been attached in execution proceedings and deposited with the Tribunal.

10. Tribunal shall disburse the awarded amount, minus the compensation awarded under the head '*Loss of Love and Affection*' and its interest component, in terms of the scheme of disbursal stipulated in the award.

11. Balance amount, if any Tribunal shall be refund to the appellant.

12. The appeal is disposed of in the above terms.

13. Copy of the order be uploaded on the High Court website and be also forwarded to learned counsels through email by the Court Master.

SANJEEV SACHDEVA, J

FEBRUARY 10, 2021

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