

\$~41

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

%

Decided on: 06.02.2020

+ MAC.APP. 643/2018

SANJU DEVI & ORS

..... Appellants

Through: Mr. Anshuman Bal, Adv.

versus

SHRIRAM GEN INS CO LTD & ORS

..... Respondents

Through: Mr. Mohd. Mobashhir, Adv. for Mr.
Sameer Nandwani, Adv. for R-1.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. This appeal impugns the award of compensation dated 20.01.2018 passed by the learned MACT in MACP No. 431/17, insofar as it has not granted minimum wages to the workman applicable in Delhi, instead minimum wages applicable in Haryana have been taken into consideration. It is not in dispute that the workman travelled in a truck from Delhi to Rohtak to bring bricks that were to be ultimately delivered in Sonia Vihar, Delhi. The work originated in Delhi inasmuch as the deceased travelled in the owner's truck from Delhi. Therefore, atleast on the day of the motor vehicular accident, he was employed for work in Delhi. In the circumstances, the minimum wages for an unskilled workman in Delhi ought to be applied. The applicable minimum wages at the relevant time was Rs. 13,350/- in Delhi.

2. The deceased was 28 years of age, at the time of the motor accident, therefore, the multiplier of 17 would be applicable. Furthermore, deduction of 1/4th towards 'personal expenses' was carried out while computing

compensation payable towards 'loss of dependency'. The same is not challenged. The claimant not being in a permanent employment, he would be entitled to an addition of 40% towards 'loss of future prospects'. Accordingly, the said relief is granted to the claimants in terms of *National Insurance Company vs. Pranay Sethi* (2017) 16 SCC 680.

3. The Court would note that there are five claimants. Each of the claimants shall also be entitled to and are hereby granted compensation under the non-pecuniary heads for 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs. 40,000/- respectively, as per the dicta of the Supreme Court in *Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors.*, (2018) 18 SCC 130. Additionally, compensation towards 'Loss of Estate' and 'Funeral Expenses' shall also be payable @ Rs. 15,000/- under each of the aforementioned heads, in terms of *Pranay Sethi* (supra).

4. The amount payable to the claimants shall be:

S.No.	Particulars	Amount
1.	Loss of dependency [Rs. 13,350/-(minimum wages) x 12 (months) x 17 (multiplier) x 75/100 (1/4 th deduction towards personal expenses) x 140/100 (40% towards loss of future prospects)]	Rs. 28,59,570/-
2.	Loss of love and affection [Rs. 50,000 x 5 (claimants)]	Rs. 2,50,000/-
3.	Loss of consortium [Rs. 40,000 x 5 (claimants)]	Rs. 2,00,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
TOTAL		Rs.33,39,570/-

5. Let the aforesaid amount, alongwith interest @ 9% p.a. from the date of the filing of the claim petition till its realization, be deposited by the insurer before the learned Tribunal, within three weeks from the date of receipt of a copy of this order, to be released to the beneficiaries of the award in terms of the scheme of disbursement specified therein.

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

7. A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

FEBRUARY 06, 2020

RW

NAJMI WAZIRI, J



न्यायमेव जयते