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

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Decided on: 05.09.2019

+ MAC.APP. 97/2018

KUNTI DEVI @ KUNTA DEVI & ANR Appellants

Through: Mr. Jitender Kamra, Advocate for
appellants.

versus

PURAN CHAND & ANR (NEW INDIA ASSURANCE CO LTD)

..... Respondents

Through: Mr. J.P.N. Shahi and Ms. Shivangi
Krishna, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

NAJMI WAZIRI, J. (Oral)

1. At joint request, the case is taken up for disposal alongwith MAC.
APP. 664/2017.

2. This appeal seeks enhancement of the award of compensation dated
27.04.2017 passed by the learned MACT in MACP No. 90/14, on the
ground that instead of age of the deceased, the age of the parent was taken
into consideration. In view of the dicta of the Supreme Court in *National
Insurance Co. Ltd. v. Pranay Sethi & Ors.* (2017) 16 SCC 680, the age of
the deceased ought to be the determinant multiplier. The deceased was 21
years of age, therefore, the multiplier of 18 would be applicable.

Additionally, compensation towards 'loss of future prospects' @ 40% shall be granted in terms of the same judgment.

3. Furthermore, each of the claimants shall also be entitled to compensation towards '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 SCC OnLine SC 1546. Additionally, compensation towards 'Loss of Estate' and 'Funeral Expenses' shall also be payable @ Rs. 15,000/- under each of the heads. Hence, the total payable amount would be as under:

S.No.	Particulars	Amount
1.	Loss of future prospects [Rs.9,802/-(notional income)x12(months)x18(multiplier)x140/100(future prospects)x50/100(50% deduction towards personal expenses)]	Rs. 14,82,063/-
2.	Loss of love and affection [Rs. 50,000 x 2 (claimants)]	Rs. 1,00,000/-
3.	Loss of consortium [Rs. 40,000 x 2 (claimants)]	Rs. 80,000/-
4.	Loss of Estate	Rs. 15,000/-
5.	Funeral Expenses	Rs. 15,000/-
TOTAL		Rs. 16,92,063/-

4. Accordingly, the enhanced amount, alongwith interest thereon @ 9% from the date of the filing of the claim petition till its realization, be deposited by the insurer within three weeks of receipt of a copy of this order. Upon deposit, the said monies shall be released to the beneficiaries of the award in terms of the scheme of disbursement specified therein. The appellant has also been granted right of recovery as ordered in MAC.APP. 664/2017.

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

SEPTEMBER 05, 2019/RW

NAJMI WAZIRI, J



न्यायमेव जयते