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

+ **MAC.APP. 159/2021, CM APPL. 12997/2021 (stay)**

UNITED INDIA INSURANCE CO LTDAppellant

Through: Ms. Mahua Kalra, Advocate.

versus

BHARAT SINGH & ORSRespondents

Through: Mr. S.N. Parashar, Advocate for R1 to R5.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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13.11.2024

MAC.APP. 159/2021

1. An Appeal under Section 173 of the *Motor Vehicle Act, 1988* ('M.V.Act', *hereinafter*) has been filed on behalf of the Appellant/Insurance Company, against the compensation granted in MACT No. 176/2019 to the Claimants/legal heirs of the deceased, Smt. Beena, who died on 18.02.2019, in a road accident.

2. The *grounds of objection* are that in addition to Loss of Consortium being given to each Claimant in the sum of Rs.40,000/-, additional sum under the head of 'Loss of Love and Affection' in the sum of Rs.2,50,000/- has been granted, which is not tenable. The *second ground* of objection is that the interest @9% p.a. is on the higher side.

3. *Learned counsel on behalf of the Claimants* fairly concedes that the Loss of Consortium has been granted to all the Claimants, in accordance



with law. It is further submitted that the interest has been fairly granted and does not merit any interference.

4. **Submissions heard.**

5. Loss of Consortium is in fact the Loss of love and affection. It has been fairly argued that Rs.2,50,000/- given under the head of 'Loss of Love and Affection' over and above, the sum under the head of Loss of Consortium, needs to be modified. Accordingly, a sum of Rs.2,50,000/- granted under the head of 'Loss of love and affection' be deleted from the compensation amount and balance compensation amount be disbursed to the Claimants in terms of the impugned Award dated 12.12.2019.

6. Insofar as, the Interest is concerned, there is no ground to interfere with the rate of interest, which has been fairly granted.

7. The balance amount of compensation be released to the Claimants, in accordance with the impugned Award dated 12.12.2019.

8. The Statutory amount if deposited by the Insurance Company be released in accordance with law.

9. The Appeal is accordingly disposed of along with the pending Application.

NEENA BANSAL KRISHNA, J

NOVEMBER 13, 2024/RS