
(2019) 08 DEL CK 0381

In the Delhi High Court

Case No : MAC. APP. No. 319, 320 Of 2018

Mamta Rani & Anr

APPELLANT

Vs

Iffco Tokio Gen Ins Co Ltd & Ors

RESPONDENT

Date of Decision : 29-08-2019

Acts Referred:

Citation : (2019) 08 DEL CK 0381

Hon'ble Judges : Najmi Waziri, J

Bench : Single Bench

Advocate : Anshuman Bal, A.K. Soni, Pavan Kumar

Final Decision : Disposed Off

Judgement

Najmi Waziri, J

1. This appeal seeks enhancement of award of compensation on the two grounds: i) that the impugned order has erred in not granting 40% towards

"loss of future prospects" and, ii) since the deceased was 32 years of age, multiplier of 16 ought to have been applied instead of 11, in terms of the dicta of the Supreme Court in National Insurance Co. Ltd. v. Pranay Sethi & Ors. (2017) 16 SCC 680. The said contention is fairly not disputed by the learned counsel for the insurance company.

2. In view of the above, the appellants shall be entitled to relief, in terms of the aforesaid contention.

3. The appellants shall also be entitled to compensation towards "loss of consortium" @Rs. 40,000/- each, in terms of the dicta of the Supreme Court in Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors. 2018 SCC OnLine SC 1546 and also entitled to Rs. 15,000/- each towards "loss of estate" and "Funeral Expenses" in terms of Pranay Sethi (supra).

4. In terms of the above, computation is carried out afresh as under:

(i) For "loss of earning" and future "loss of future prospects", the amount payable to the appellants shall be $\text{Rs.}13,350/- \times 12 \times 16 \times 50/100 \times 140/100 = \text{Rs.} 17,94,240/-$.

(ii) For "loss of consortium" $\text{Rs.} 40,000/- \times 2 = 80,000/-$.

(iii) For "loss of love and affection" $\text{Rs.}50,000/- \times 2 = 1,00,000/-$.

(iv) For "loss of Estate" $\text{Rs.}15,000/-$.

(v) Funeral expenses $\text{Rs.} 15,000/-$.

The total amount being $\text{Rs.} 2,10,000/- + 17,94,240/- = 20,04,240/-$

5. The said amount, alongwith the interest accrued thereon, shall be deposited by the insurance company before the learned Tribunal, within four weeks from the date of receipt of copy of this order, to be disbursed to the beneficiaries of the Award in terms of the scheme of disbursement specified therein.

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