
(2019) 10 DEL CK 0410
In the Delhi High Court
Case No : MAC.APP. No. 1132 Of 2018

Meera Devi

APPELLANT

Vs

United India Insurance Company Ltd & Ors

RESPONDENT

Date of Decision : 18-10-2019

Acts Referred:

Citation : (2019) 10 DEL CK 0410

Hon'ble Judges : Najmi Waziri, J

Bench : Single Bench

Advocate : Akhilesh Arora, Nikhil, Pankaj Seth

Final Decision : Disposed Of

Judgement

Najmi Waziri, J

CM APPL. 53062/2018 (for delay)

1. This application seeks condonation of delay in filing the appeal on the ground that the applicant is an illiterate person who did not have the benefit of legal advice apropos errors in the impugned order. The bereaved parents were grief stricken because of the loss of their young daughter, who was merely 20 years of age. They were unable to come to grips with reality for a long time, hence they were unable to seek legal advice, especially because the previous round of litigation seeking compensation for reopening of the psychological wounds. It took them some time to recover from their immense loss and setback and then endeavour towards its closure.

2. In view of the above, the application is allowed. The delay in filing the appeal is condoned.

3. The application stands disposed-off.

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4. At joint request, the appeal is taken up for final disposal.

5. This appeal impugns the award of compensation dated 04.07.2016 passed by the learned MACT in Suit No. 118/16 on two grounds that: (i) the multiplier of 11 has been applied on the basis of the age of the parents instead of the age of the deceased. The latter was 20 years of age, therefore, the multiplier of 18 ought to have been applied. The argument is valid. Accordingly, multiplier of 18 is directed to be applied; (ii) the compensation

towards "loss of future prospects" should be granted in terms of the dicta of the Supreme Court in National Insurance Co. Ltd. v. Pranay Sethi & Ors (2017) 16 SCC 680. The deceased was below the age of 40 years and was self-employed, therefore, 40% would be added towards "loss of future prospects". It is so ordered.

6. The Court would note that the parents are also entitled to compensation towards "loss of consortium" and "loss of love and affection" @ Rs. 40,000/- and Rs. 50,000/- each respectively, in terms of the dicta of the Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors., 2018 SCC OnLine SC 1546. It is so granted.

Similarly, the claimants would also be entitled to and are granted compensation towards "loss of estate" and "funeral expenses" @ Rs. 15,000/- under each head, in terms of Pranay Sethi (Supra).

7. The amount payable to the claimant is as under:-

S.No.

Particulars

Amount

1.

Loss of dependency [Rs. 11,154/- (minimum wage) x 12 (months) x 18 (multiplier) x 140/100 (loss of future prospects) x 50/100 (1/2 deduction) = Rs. 16,86,485/- less Rs. 4,21,621/- (25% contributory negligence)]

Rs. 12,64,864/-

2.

Loss of consortium [Rs. 40,000/- x 2 (claimants)]

Rs. 80,000/-

3.

Loss of love and affection [Rs. 50,000/- x 2 (claimants)]

Rs. 1,00,000/-

4.

Loss of Estate

Rs. 15,000/-

5.

Funeral Expenses

Rs. 15,000/-

TOTAL

Rs. 14,74,864/-

8. Let the enhanced amount of Rs. 8,21,491/-, alongwith interest @ 9% from the date of filing of the Claim Petition till its realization, be deposited by the insurance company before the learned Tribunal, within three weeks from the date of receipt of copy of this order, to be released to the beneficiary of the Award, in terms of the scheme of disbursement specified therein.

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