

(2020) 01 DEL CK 0573
In the Delhi High Court
Case No : MAC.APP. No. 1077 Of 2018

Munni Devi & Ors

APPELLANT

Vs

Mangal Dev (Tata Aig General Insurance Co. Ltd

RESPONDENT

Date of Decision : 31-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0573

Hon'ble Judges : Najmi Waziri, J

Bench : Single Bench

Advocate : Pankaj Gupta

Final Decision : Disposed Of

Judgement

Najmi Waziri, J

CM APPL. 50519/2018 (Delay)

1. This application is filed by the appellant for condonation of delay in filling the appeal.
2. For the reasons mentioned, the delay is condoned.
3. The application stands disposed off.

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4. Mr. Pankaj Gupta, the learned counsel for the appellant submits that compensation awarded to the claimant vide judgment dated 11.01.2018 passed by the learned MACT in MACP No. 5264/16 is on the lesser side, inasmuch as it has not awarded non-pecuniary damages; that for "loss of consortium" only Rs. 40,000/- has been awarded, whereas in terms of the dicta of the Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors., (2018) 18 SCC 130, each of the claimants is entitled to the said amount. The contention is valid and accepted. Therefore each of the claimants is granted Rs. 40,000/- and Rs. 50,000/-, respectively, for "loss of consortium" and "loss of love

and affection".

5. A similar relief was granted by this Court in National Insurance Co. Ltd. vs. Lokesh Verma & Ors., MAC. APP. 762-763/2019, decided on 02.09.2019, relying upon the dicta of the Supreme Court in Magma (supra), wherein this Court had awarded compensation towards "loss of love and affection" and "loss of consortium" @ Rs. 50,000/- and Rs. 40,000/- respectively, to each of the claimants. In the aforesaid judgment, it was held as under:

"....

10. The Court would note that in terms of Magma General Insurance Co. Ltd. v. Nanu Ram Alias Chuhru Ram & Ors., 2018 SCC OnLine SC 1546, each of the two claimants would be entitled to an award of compensation at the rate of Rs. 40,000/- and Rs. 50,000/- towards "loss of consortium" and "loss of love and affection" respectively. The impugned order has only awarded Rs. 40,000/- towards "loss of consortium", same would have to be supplemented by another Rs. 40,000/- towards "loss of consortium" and Rs. 1,00,000/- towards "loss of love and affection"(Rs. 50,000/-x2). "

6. SLP (Civil) No(s). 25316-25317/2019, against the aforesaid order was dismissed by the Supreme Court on 24.10.2019.

7. Accordingly, the enhanced amount payable shall be as under:-

S.No.

Particulars

Amount

1.

Loss of love and affection [Rs. 50,000 x 4 (claimants)]

Rs. 2,00,000/-

2.

Loss of consortium [Rs. 40,000 x 4 (claimants)]

Rs. 1,60,000/-

Less: Rs. 40,000/- (already awarded by Id. Tribunal)

TOTAL

Rs. 3,20,000/-

8. Compensation towards "Funeral Expenses" and "Loss of Estate" has already been granted.

9. In view of the above, let Rs. 3,20,000/- alongwith interest @ 9% p.a. from the date of filing of the claim petition till its realization, be deposited 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.

10. The learned counsel for the appellant submits that the accident occurred on 16.06.2013 and the widow is in dire financial straits. She needs immediate financial succour.

11. In the circumstances, let the amount of Rs. 3,20,000/- be released to her, on behalf of all the claimants, directly into her bank account since she as the single parent has raised them in the interim. Let the aforesaid amount along with interest accrued thereon be paid into her Saving Bank Account No. 4184000100125770 with PNB Shalimar Bagh branch having IFSC Code No. PUNB0418400.

12. The appeal stands disposed off in the above terms.

13. Mr. Pankaj Gupta, Advocate, was appointed as the claimant's counsel by this Court, the appreciation of his assistance is recorded.