
(2018) 02 DEL CK 0147
In the Delhi High Court
Case No : MAC.APP. No. 97 Of 2017

National Insurance Company Ltd. APPELLANT
Vs
Khushi Ram & Ors RESPONDENT

Date of Decision : 02-02-2018

Acts Referred:

Citation : (2018) 02 DEL CK 0147

Hon'ble Judges : Sunil Gaur, J

Bench : Single Bench

Advocate : Archana Gaur, Ridhima Gaur, Pankul Nagpal

Final Decision : Disposed Of

Judgement

Sunil Gaur, J

1. Impugned Award of 20th December, 2016 grants compensation of Rs. 21,21,067/- to respondents-claimants with interest @ 9% p.a. to

respondents-claimants on account of death of one Deepak Goyal in a vehicular accident on 5th September, 2011. The factual position of this case

stands already noted in the impugned Award and so needs no reproduction.

2. Suffice to note that learned Motor Accident Claims Tribunal (henceforth referred to as the "Tribunal") has relied upon evidence of claimants /

family members and while taking the age of deceased to be 28 years, as reflected in the Pan Card and High School Marks Sheet, has assessed

income of deceased at minimum wages of a matriculate and after adding 50% towards future prospects and deducting 1/4th towards personal

expenses and by applying the multiplier of 17, the loss of dependency has been calculated at Rs. 17,96,067/-. Learned Tribunal has granted

compensation of Rs. 3,25,000/- under the non-pecuniary heads.

3. The challenge to the impugned Award by learned counsel for appellant-Insurer is on the ground that the compensation granted under the non-

pecuniary heads is exorbitant and is not in conformity with recent Supreme Court's Constitution Bench decision in National Insurance Company

Ltd. Vs. Pranay Sethi & Ors. 2017 SCC OnLine SC 1270. This is not disputed by learned counsel for respondents-claimants and rightly so.

4. In view of recent Constitution Bench's decision of Supreme Court in National Insurance Company Ltd. Vs. Pranay Sethi & ors. 2017 SCC

OnLine SC 1270, no compensation is payable under the head of 'loss of love and affection,' and so compensation of Rs. 1,00,000/- granted under

this head is disallowed. The 'Funeral Expenses' are accordingly reduced from Rs. 25,000/- to Rs. 15,000/- and compensation granted by the

learned Tribunal under the head 'loss of estate' is reduced from Rs. 1,00,000/- to Rs. 15,000/-. Compensation granted under the head 'loss of

consortium' is reduced from Rs. 1,00,000/- to Rs. 40,000/-.

5. The impugned award is accordingly modified by reducing the total compensation from Rs. 21,21,067/- to Rs. 18,66,067/- which shall carry interest

@ 9% p.a., as awarded by the learned Tribunal. This Court is informed that the compensation amount stands deposited with the learned Tribunal who

shall release the amount payable to respondent-claimants in terms of this judgment and refund the excess amount to appellant-Insurance Company.

Statutory deposit, if any, be refunded to appellant-Insurance Company as per rules.

6. With aforesaid directions, this appeal is disposed of.