
(2019) 07 DEL CK 0597

In the Delhi High Court

Case No : MAC.APP. No. 178 Of 2019, Civil Miscellaneous No. 4824 Of 2019

New India Assurnace Co Ltd

APPELLANT

Vs

Farahat Khanam & Ors

RESPONDENT

Date of Decision : 16-07-2019

Acts Referred:

Citation : (2019) 07 DEL CK 0597

Hon'ble Judges : Najmi Waziri, J

Bench : Single Bench

Advocate : Himanshu Gambhir, Abhijit Chakravarty, R.K. Pathak, N. Pandey

Final Decision : Dismissed

Judgement

Najmi Waziri, J

1. The appellant - Insurance Company impugns the award of Rs.40,000/- and Rs.50,000/- under the non-pecuniary heads of "loss of consortium" and "loss of love and affection" respectively, for each of the claimant. It is the appellant's case that in view of the decision of the Supreme Court in National Insurance Company Limited vs. Pranay Sethi & Ors. (2017) 16 SCC 680, the impugned order has erred. However, the Court would note that Pranay Sethi (supra) was duly considered in a subsequent decision of the Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors. 2018 SCC OnLine SC 1546 which held that the "loss of consortium" is not only for the spouse but also for other family members, such as "parental consortium" and "filial consortium". The Supreme Court has held that monies were payable to each claimants at the rate of Rs.40,000/- towards "filial consortium" and Rs.50,000/- each, towards "loss of love and affection". This fact has been duly considered in the impugned order and compensation of Rs.40,000/- for each of the claimants has been awarded towards loss of "filial consortium" and Rs.50,000/- each was granted under the head of "loss of love and affection" in clause (vi) of para 11 of the impugned award. There is no reason to interfere

with the same.

2. The appeal, being without merits, is accordingly dismissed alongwith pending application.

3. The statutory amount of Rs.25,000/-, alongwith interest accrued thereon, be deposited into the "AASRA" fund.