

(2021) 03 DEL CK 0199

In the Delhi High Court

Case No : MAC. Appeal No. 198 Of 2020, Civil Miscellaneous Application No. 24109-24111 Of 2020

Reliance General Insurance Company Limited

APPELLANT

Vs

Raj Bala & Ors

RESPONDENT

Date of Decision : 18-03-2021

Acts Referred:

Citation : (2021) 03 DEL CK 0199

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Advocate : Rajeev M. Roy, Kanika Kalyan

Final Decision : Allowed

Judgement

Sanjeev Sachdeva, J

1. Appellant impugns award dated 11.3.2020 whereby the detailed accident report has been disposed of and compensation awarded.
2. Learned counsel appearing for the appellant contends that the only issue arising in the subject appeal is with regard to award of Rs.2 lakhs as compensation under the under the head of "Loss of Love and Affection".
3. Learned counsel submits that the Supreme Court in Civil Appeal No.2705/2020 titled 'United India Insurance Company Vs. Satinder Kaur @ Satwinder Kaur decided on 30th June, 2020 has held that no amount can be awarded separately under the head of "Loss of Love and Affection" in addition to award of compensation under the head of "Loss of Consortium".
4. He submits that the Tribunal has erred in awarding the said amount of Rs.2 lakhs under the said head.
5. Issue notice. Notice is accepted by learned counsel appearing for respondent Nos.1 to 4.

6. Since there is no dispute with regard to liability of the insurance company vis-à-vis of respondent No.5, the driver/owner of the vehicle, service of respondent No.5 is discharge.

7. Learned counsel for respondents No.1 to 4 concedes that the award is erroneous to the limited extent that it awarded a sum of Rs.2 lakhs under the head of "Loss of Love and Affection" being contrary to the dicta of the Supreme Court in 'United India Insurance Company Vs. Satinder Kaur @ Satwinder Kaur (supra).

8. In view of the above, the appeal is allowed to the above extent and the impugned award dated 11.3.2020 is modified to the limited extent and the award of a sum of Rs.2 lakhs as compensation under the head of "Loss of Love and Affection" is deleted. Since there is no challenge to the remaining award, the same is upheld.

9. Appellant shall deposit the entire awarded amount as modified with the Tribunal within a period of four weeks from today and on deposit of the said amount, the Tribunal shall disburse the deposited amount as per the scheme of disbursal provided in the award.

10. On deposit of the awarded amount with the Tribunal within four weeks, the appellant shall be exempt from making the statutory deposit of Rs.25,000/-. It is further directed that in case appellant deposits the awarded amount as modified today within a period of four week, the default interest from the date of award till the date of deposit shall be 9% instead of 12%.

11. Dasti under signatures of the Court Master.