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**(2019) 07 DEL CK 0445**  
**In the Delhi High Court**  
**Case No : MAC.APP. No. 547 Of 2016**

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|-----------------------------------|----|------------|
| Reliance General Insurance Co Ltd |    | APPELLANT  |
|                                   | Vs |            |
| Vimal Devi & Ors                  |    | RESPONDENT |

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**Date of Decision :** 25-07-2019

**Acts Referred:**

**Citation :** (2019) 07 DEL CK 0445

**Hon'ble Judges :** Najmi Waziri, J

**Bench :** Single Bench

**Advocate :** A.K. Soni, Gurmit Singh Hans, Vishal Soni, Komal Arora

**Final Decision :** Disposed of

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## **Judgement**

Waziri Najmi Waziri, J

MAC.APP. 547/2016, CM APPL. 26023/2016, CM APPL. 29065/2017, CM APPL. 43314/2017, CM APPL. 46348/2017

1. This appeal impugns the award of compensation on both pecuniary and non-pecuniary heads. It is argued that the compensation of Rs. 1 lac each for loss of consortium, loss of estate and loss of love and affection is on the higher side and not inconformity with the dicta of the Supreme Court in Sarla Verma vs. Delhi Transport Corporation (2009) 6 SCC 121. Similarly, Rs. 25,000/- have been granted towards funeral expenses, is also on the higher side.

2. The learned counsel for the respondents submits that there is no limit fixed for compensation towards 'lose of love and affection'. Therefore, it does not require any modification. Nevertheless, he argues that there are six claimants. The compensation awarded towards loss of consortium is only Rs. 1 lac, whereas it should be Rs.40,000/- for each claimant, in terms of the dicta of the Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram Alias Chuhru Ram & Ors. 2018 SCC Online SC 1546 and therefore, the quantum should be enhanced. But he concedes that for 'loss of estate', and for 'funeral expenses' it ought to be

Rs. 15,000/- in terms of judgment of the Supreme Court in National Insurance Company vs Pranay Sethi 2017 SCC OnLine SC 1270.

3. Apropos pecuniary expenses, the learned counsel for the appellant submits that since the father of the deceased would not be considered as a dependent, therefore, the widow, the children and the mother of the deceased would be the only dependents. In the circumstances, the personal expenses would be 1/4 instead of 1/5. The learned counsel for the respondents concedes to this.

4. Accordingly, the loss of dependency would be Rs.  $13374 \times 12 \times 15 = 24,07,320 + 50\%$  (towards loss of future prospects i.e. Rs. 12,03,660/-), minus 1/4 towards personal expenses i.e. Rs. 6,01,830 = Rs. 30,09,150/-.

5. In Magma General Insurance (supra), the Supreme Court has allowed Rs. 50,000/- for each of the claimants towards 'loss of love and affection', this Court too will grant the same compensation to each of the dependents i.e. the mother, the widow and the children of the deceased i.e. respondent nos. 1, 2, 3, 4, 5 and likewise relying on the same judgment they will also be entitled to loss of filial, spousal and parental consortium respectively.

6. The widow of the deceased would be entitled to loss of spousal consortium @Rs.40,000/-, while his children i.e. respondent nos. 2 to 5 will be entitled to Rs. 40,000/- each for parental consortium and the mother will be entitled to the same quantum for loss of filial consortium. Additionally, for loss of estate and funeral expenses @Rs. 15,000/- would be payable under each head.

7. The awarded amount stands deposited with UCO Bank. The appellant will re-compute the amount, in terms of the above and shall supply a copy of the same to the learned counsel for the respondents. The deposited amount shall be released to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein. The excess amount as may be shall be returned to the appellant, alongwith corresponding interest accrued thereon.

8. The appeal is disposed-off in the above terms.

9. A copy of this order be given dasti to the learned counsel for the parties under the signature of the Court Master.