
(2020) 01 DEL CK 0199
In the Delhi High Court
Case No : MAC.APP. No. 15 Of 2020

Shahar Bano & Ors

APPELLANT

Vs

United India Ins Co Ltd & Ors

RESPONDENT

Date of Decision : 17-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0199

Hon'ble Judges : Najmi Waziri, J

Bench : Single Bench

Advocate : Anshuman Bal, Pankaj Seth

Final Decision : Disposed Of

Judgement

Najmi Waziri, J

CM APPL. 1659/2020 (for delay)

1. This application seeks condonation of delay of 23 days in filing of the appeal.
2. For the reasons mentioned in the application, the delay is condoned.
3. The application stands disposed-off. MAC.APP. 15/2020
4. Issue notice.
5. The learned counsel named above accepts notice on behalf of the insurance company.
6. At joint request, the appeal is taken up for disposal.
7. This appeal impugns the award of compensation dated 31.08.2019 passed by the learned MACT in Petition No. 75623/16, only on the ground that no compensation has been granted towards 'loss of love and affection' and 'loss of consortium' which would be payable to each of the claimants @ Rs. 50,000/- and Rs. 40,000/- respectively, in terms of the dicta of the Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors., 2018 SCC

OnLine SC 1546. The same is granted to them. There are five claimants. Therefore, the amount payable would be as under:

S.No.

Particulars

Amount

1.

Loss of love and affection [Rs. 50,000 x 5 (claimants)]

Rs. 2,50,000/-

2.

Loss of consortium [Rs. 40,000 x 5 (claimants)]

Rs. 2,00,000/-

TOTAL

Rs. 4,50,000/-

8. Following the dicta of the Supreme Court in Magma (supra), this Court in National Insurance Co. Ltd. vs. Lokesh Verma & Ors., MAC. APP. 762-763/2019, decided on 02.09.2019, 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) "

9. SLP (Civil) No(s). 25316-25317/2019, against the said judgment was dismissed by the Supreme Court on 24.10.2019.

10. Let the said amounts, alongwith interest accrued @ 9% per annum 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 copy of this order, to be released to the beneficiary(ies) of the Award in terms of the scheme of disbursement specified therein.

11. The said amounts, which are otherwise payable to the appellants in law, shall be recoverable by the insurance company from respondent nos. 2 and 3.

12. The appeal is disposed-off in terms of the above.