
(2020) 01 DEL CK 0053

In the Delhi High Court

Case No : MAC.APP. No. 250 Of 2015, Civil Miscellaneous Application No. 4358 Of 2015

United India Ins Co Ltd

APPELLANT

Vs

Manorama Aggarwal & Ors

RESPONDENT

Date of Decision : 09-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0053

Hon'ble Judges : Najmi Waziri, J

Bench : Single Bench

Advocate : C.K. Gola, Abhishek Kumar, Shireesh Tripathi, Reshesh Mani Tripathi

Final Decision : Disposed Of

Judgement

Najmi Waziri, J

CM APPL. 43534/2019 (for early hearing)

1. This application seeks early hearing of the appeal.
2. For the reasons mentioned in the application, it is allowed.
3. The application stands disposed-off.

MAC.APP. 250/2015 & CM APPL. 4358/2015

4. At joint request, the appeal is taken up for disposal.

5. This appeal impugns the award of compensation dated 06.01.2015 passed by the learned MACT in Suit No. 219/12, on the sole ground that the addition of 50% towards 'loss of future prospects' is erroneous in view of the dicta of the Supreme Court in National Insurance Co. Ltd. vs Pranay Sethi & Ors., (2017) 16 SCC 680.

6. The deceased was 31 years of age at the time of the motor vehicular accident; he was a bachelor and was in private employment. In view of his circumstances,

there would be an addition of only 40% and not 50% towards 'loss of future prospects' in view of Pranay Sethi (supra). The impugned order is modified accordingly.

7. Following the dicta of the Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors., 2018 SCC OnLine SC 1546, this Court 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. An identical relief had been granted by this Court in National Insurance Co. Ltd. vs. Lokesh Verma & Ors., MAC. APP. 762-763/2019 decided on 02.09.2019, in which 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) "

8. An SLP against the said judgment was dismissed by the Supreme Court on 24.10.2019.

9. The Court would note that no compensation has been awarded towards 'loss of filial consortium', whereas in terms of the dicta of the Supreme Court in Magma (supra), the parents of the deceased would be entitled to 'loss of consortium' @ Rs. 40,000/- each. It is so awarded to them. Furthermore, compensation towards 'funeral expenses' and 'loss of estate' have been awarded @ Rs. 25,000/- and Rs. 10,000/- respectively. The same shall be reduced to Rs. 15,000/- under each head in terms of Pranay Sethi (supra). It is so ordered.

10. The amount payable under the aforementioned non-pecuniary heads, alongwith interest accrued thereon @ 9% from the date of filing of the claim petition till its realization, shall be calculated by the appellant and shall be paid to the parents of the deceased within three weeks from the date of receipt of copy of this order. The other amounts shall be released to the parents in terms of the scheme of disbursement specified in the Award.

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

12. The statutory amount, alongwith interest accrued thereon, be returned to the appellant.