
(2019) 09 DEL CK 0462
In the Delhi High Court
Case No : MAC.APP. No. 109 Of 2018

Vimla & Ors

APPELLANT

Vs

Bajaj Alliance Gen Ins Co Ltd & Ors

RESPONDENT

Date of Decision : 06-09-2019

Acts Referred:

Citation : (2019) 09 DEL CK 0462

Hon'ble Judges : Najmi Waziri, J

Bench : Single Bench

Advocate : Anshuman Bal, Pradeep Gaur

Final Decision : Disposed Of

Judgement

Najmi Waziri, J

1. This appeal impugns the award of compensation dated 10.11.2016 passed by the Ld. MACT in Petition No. 519/2009, on the ground that compensation towards 'loss of future prospects' has not been granted.

2. Since the deceased was 34 years of age on the date of the accident and was self-employed, the 'loss of dependency' was rightly calculated at Rs. 5,69,232/- {i.e. Rs. 3,953/- (minimum wage) x 12 (months) x 16 (multiplier) x 3/4 (dependency)}. However, compensation towards 'loss of future prospects' @ 40% ought to have been awarded as per dicta of Supreme Court in National Insurance Co. Ltd. vs. Pranay Sethi (2017) 16 SCC 680. The same is now granted. Therefore, the amount payable shall be Rs. 5,69,232/- + 40% = Rs. 7,96,925/-.

3. Furthermore, each of the claimants shall also be entitled to compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs. 40,000/- respectively as per the dicta of the Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors., 2018 SCC OnLine SC 1546. Additionally, compensation towards 'Loss of Estate' and 'Funeral

Expenses' shall also be payable @ Rs. 15,000/- under each of the heads. Accordingly, the total payable amount would be as under:

S.No.

Particulars

Amount

1.

Loss of future prospects [Rs. 5,69,232/- + 40% future prospects as per Pranay Sethi (supra)]

Rs. 7,96,925/-

2.

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

Rs. 2,50,000/-

3.

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

Rs. 2,00,000/-

4.

Loss of Estate

Rs. 15,000/-

5.

Funeral Expenses

Rs. 15,000/-

TOTAL

Rs. 12,76,925/-

4. The insurer has already deposited Rs. 8,04,323/-. Hence, the enhanced amount of Rs. 4,72,692/- (Rs. 12,76,925/- less Rs. 8,04,323/-) alongwith interest accrued thereon @ 9% from the date of the filing of the petition till its realisation be deposited by the insurer within three weeks of receipt of a copy of this order. Upon deposit, the said monies shall be released to the beneficiaries of the award in terms of the scheme of disbursement specified therein.

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