
(2019) 09 DEL CK 0294

In the Delhi High Court

Case No : MAC.APP No. 199 Of 2019 & Civil Miscellaneous Application No. 5532 Of 2019

Yogita & Ors

APPELLANT

Vs

Gajender Singh & Ors (National Insurance Co Ltd)

RESPONDENT

Date of Decision : 17-09-2019

Acts Referred:

Citation : (2019) 09 DEL CK 0294

Hon'ble Judges : Najmi Waziri, J

Bench : Single Bench

Advocate : Rahul Kr. Singh, Umakant Mishra, A.S. Rana, D.K. Sharma

Final Decision : Disposed Of

Judgement

Najmi Waziri, J

1. The award of compensation dated 10.07.2018 in MACT Nos. 160/16 and 364/16, is impugned on the ground that the minimum wages of Rs. 14,000/- instead of Rs. Rs. 9,048/- should have been made applicable. The learned counsel for the appellant is however unable to show any notification in support of his contention. The Court has accessed the internet and found that the minimum wages applicable in Delhi with effect from 01.04.2015 for an unskilled worker was Rs. 9,048/-. The accident happened in August 2015. The minimum wages were revised from 01.10.2015. In the circumstances, the applicable rate of Rs. 9,048/- was rightly taken into consideration.

2. The next argument of the appellant is that compensation towards "loss of future prospects" was not granted. The deceased was 32 years of age on the date of accident, i.e. under 40 years of age, therefore, the multiplier of 16 shall be made applicable and he would be entitled to compensation @ 40% towards "loss of future prospects" in terms of dicta of the Supreme Court in National Insurance Co. Ltd. vs. Pranay Sethi & Ors., (2017) 16 SCC 680. The same is granted.

Therefore, on the "loss of dependency", there will be an addition of 40% toward "loss of future prospects" on the amount calculated i.e. Rs. 13,02,912 + 40%. = 18,24,077/-

3. The Court would note that the number of claimants are four, each of them would entitled to compensation towards "loss of love and affection" and "loss of consortium" @ Rs. 50,000/- and Rs. 40,000/-respectively, in terms of decision of Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors., 2018 SCC OnLine SC 1546, the same would be payable as under:

Rs. 40,000 x 4 = Rs. 1,60,000/-

Rs. 50,000 x 4 = Rs. 2,00,000/-

Total =Rs. 3,60,000

4. The amount awarded was only towards "loss of consortium" i.e. Rs. 40,000/-, therefore, the additional amount payable would be Rs. 3,20,000/-. The enhanced amount i.e. Rs. 3,20,000 + Rs. 5,21,165/- = Rs. 8,41,165/- shall be deposited by the insurer before the learned Tribunal within three weeks of receipt of copy of this order alongwith interest accrued @ 9% per annum, from the date of filing of the claim petition till its realization, to be released to the beneficiaries of the award in terms of the scheme of disbursement specified therein

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