

Subhash Chand @ Subhash Chandra vs.reliance Gen Ins Co Ltd. & Ors

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Court : Delhi

Decided On : Nov-19-2019

Appellant : Subhash Chand @ Subhash Chandra

Respondent : Reliance Gen Ins Co Ltd. & Ors

Advocate for Def. : Mr. Rajeev M. Roy

Advocate for Pet/Ap. : Mr. Anshuman Bal

Judgement :

\$~6 * % + IN THE HIGH COURT OF DELHI AT NEW DELHI Decided on:

19. 11.2019 MAC.APP. 600/2016 SUBHASH CHAND @ SUBHASH CHANDRA
..... Appellant Through: Mr. Anshuman Bal, Advocate. versus RELIANCE GEN INS
CO LTD & ORS

... RESPONDENTS

Through: Mr. Rajeev M. Roy, Advocate for R-1. CORAM: HON'BLE MR. JUSTICE
NAJMI WAZIRI NAJMI WAZIRI, J (Oral) 1. This appeal impugns the award of
compensation dated 09.03.2016 passed by the learned MACT in MACP
No.120/11, on the ground that instead of minimum wages of Rs. 6,422/-,
applicable to an unskilled workman, the learned Tribunal assumed that Rs. 6,000/-
was an amount which a person who was engaged in stitching and knitting work
would be earning. The claimants stated that the deceased was earning Rs. 8,000/-
per month. The learned counsel for the appellant submits that minimum wages for

an unskilled person at the relevant time was Rs. 6,422/-.

2. The Court would note that a person engaged in stitching and knitting work surely has skills, therefore, the person ought to have been considered as a skilled person. However, since there is nothing on record in this regard MAC.APP. 600/2016 Page 1 of 3 and the claimants have also not been able to prove that the deceased was engaged in stitching and knitting work, therefore, the minimum wages applicable to a skilled workman would not be payable. Nevertheless, the minimum wages applicable to an unskilled workman would be payable which was Rs. 6,422/- at the relevant time, it shall be taken into consideration for computing loss of dependency. Since the deceased was barely 20 years of age on the date of the motor accident, there would also be an addition of 40% towards loss of future prospects, in terms of the dicta of the Supreme Court in National Insurance Co. Ltd. v. Pranay Sethi & Ors (2017) 16 SCC680 It is so granted.

3. Additionally, 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, in terms of the dicta of the Supreme Court in Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors., 2018 SCC OnLine SC1546 It is so granted. Furthermore, compensation towards 'Loss of Estate' and 'Funeral Expenses' shall also be payable @ Rs. 15,000/- under each of the heads. The same is granted.

4. S.No.1. Accordingly, the amount payable to the claimant is as under: Particulars
Loss of Dependency [Rs. 6,422/- (minimum wages applicable to an unskilled workman) x 12 (months) x 18 (multiplier) x
(loss of future prospects) x
(50% deduction towards personal expenses)]. Amount Rs. 9,71,006/- MAC.APP. 600/2016 Page 2 of 3 2.

3.

4.

5. Loss of love and affection [Rs. 50,000/- x 1 (claimant)]. Loss of consortium [Rs. 40,000/- x 1 (claimant)]. Loss of Estate Funeral Expenses TOTAL Rs. 50,000/- Rs. 40,000/- Rs. 15,000/- Rs. 15,000/- Rs. 10,91,006/

Let the aforesaid amount, alongwith interest @ 9% from the date of the filing of the claim petition till its realization, be deposited by the insurer before the learned Tribunal, within three weeks from the date of receipt of copy of this order, to be released to the beneficiaries of the Award, in terms of the scheme of disbursement specified therein.

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

7. The rights of the respondents shall remain undisturbed. NAJMI WAZIRI, J
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