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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **MAC.APP. 929/2019 & CM APPL. 52805/2019**

SHRIRAM GENERAL INSURANCE CO LTD Appellant

Through: **Mr. Arun Yadav, Advocate.**

versus

ANITA & ORS

..... Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **09.12.2019**

CM APPL. 52804/2019 (exemption)

Allowed, subject to all just exceptions.

The application stands disposed-off.

CM APPL. 52806/2019 (delay of 8 days in filing)

This application seeks condonation of delay of 8 days in filing of the appeal.

For the reasons mentioned in the application, the delay is condoned.

The application stands disposed-off.

MAC.APP. 929/2019 & CM APPL. 52805/2019

This appeal impugns the award of compensation dated 08.08.2019, passed by the learned MACT in MACP No. 37/16, on the ground that the salary of the deceased has been taken as Rs. 11,405/- per month while computing 'loss of dependency' on the basis of a salary certificate dated 21.09.2016 issued by the employer of the deceased, namely, M/s Motherson



Sumi Systems Ltd.

The learned counsel for the appellant refers to the payslips adduced by the claimant for the months preceding demise of the deceased-Ms. Ranjita, it shows that only Rs. 7,861/- were paid to her as monthly salary. He submits that the discrepancy is evident. Therefore, assuming the higher of the two amounts as monthly salary is *ex facie* erroneous.

The Court is of the view that the challenge is to about 21% of the awarded amount. Therefore, apropos 79% of the awarded amount, there could be no challenge.

Accordingly, let the awarded amount alongwith interest accrued thereon be deposited before the learned Tribunal within three weeks from the date of receipt of copy of this order, of which 70% shall be released to the beneficiary of the Award, in terms of the scheme of disbursement specified therein. Such monies would be released directly into the bank account of the claimant-mother maintained near her place of residence. The learned Tribunal shall ensure the veracity of such bank account.

The Court would note that the mother of the deceased is the sole claimant. Therefore, in terms of the dicta of Supreme Court in ***Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & Ors.***, 2018 SCC OnLine SC 1546, she will be entitled to compensation towards 'loss of love and affection' and 'loss of consortium' @ Rs. 50,000/- and Rs.40,000/-, respectively. Accordingly, the same are granted to her.

Since the unfortunate accident occurred about half-a-decade ago, let Rs. 2,00,000/- be released to the mother/claimant right away directly into her bank account as mentioned hereinabove.



Apropos only the remaining amount under challenge, issue notice to the respondents by way of ordinary process, approved courier, Speed Post, WhatsApp, E-mail, *dasti* and through counsel as well, returnable on 29.04.2020.

NAJMI WAZIRI, J

DECEMBER 09, 2019
AB