

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2532 OF 2020
[@ SPECIAL LEAVE PETITION (C) NO. 21788 OF 2018]

GOMTI

Appellant(s)

VERSUS

RELIANCE GENERAL INSURANCE COMPANY LIMITED

Respondent(s)

O R D E R

The appeal arises out of the impugned judgment and order dated 24.08.2017 passed by the High Court of Delhi at New Delhi in MAC Appeal No. 467 of 2016, whereby the High Court has reduced the compensation awarded by the Tribunal.

On 24.10.2012, the deceased Ajay Bahadur was hit by a truck bearing No. HP 64 9729 as a result of which, he died on the spot. A claim petition MACT No. 415/12 was filed before the Motor Accident Claims Tribunal (for short, "the Tribunal") on 28.05.2014. The Tribunal held that the deceased died due to the rash and negligent driving of the Truck driver and awarded a total compensation of Rs. 13,10,148/- along with 9% interest from the date of filing of the claim petition.

Being aggrieved, Respondent No. 1 - Insurance Company filed a statutory appeal before the High Court contending that the Tribunal had erred in

awarding the compensation by applying the multiplier of 18 and addition of 50% income towards future prospects.

The High Court allowed the appeal and held that the element of future prospects could not have been added as claimants were unable to muster any clear proof of the gainful employment of the deceased and thus, reduced the total compensation from Rs. 13,10,148/- to Rs.5,55,000/-. Multiplier of 7 was applied. Hence, the appellant is before this Court, by way of special leave.

We have heard the learned counsel appearing for the parties and have perused the material on record. In our opinion, considering the age of the deceased, future prospects of 40% as well as the multiplier of 18 to be applied, the total compensation comes more or less be the same as awarded by the Tribunal. Thus, we deem it appropriate to restore the award passed by the Tribunal. The impugned Judgment and order passed by the High Court is, thus, set aside and the award passed by the Tribunal is restored.

The appeal is, accordingly, allowed.

.....J.
[ARUN MISHRA]

.....J.
[INDIRA BANEREJEE]

New Delhi;
JUNE 08, 2020.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2533 OF 2020
[@ SPECIAL LEAVE PETITION (C) NO. 21789 OF 2018]
KAMLA AND ANR. Appellant(s)

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. AND ORS. Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the parties. The claimants have come up in appeal for enhancement of the compensation. The deceased Badshah Khan, aged 22 years at the time of the incident, was hit by a car bearing No. DL 8C S 2416, due to which, he succumbed to the injuries. It was claimed that he was working in a private company and used to earn a sum of Rs. 15,000/- per month. A total compensation of Rs. 50,00,000/- was claimed by the claimants. The deceased was unmarried.

The claim petition was contested by the respondents. The Tribunal awarded a total compensation of Rs. 7,37,000/- along with interest at the rate of 9% per annum. His income was taken to be Rs.7,722/- per month. As the deceased was a bachelor, 50% was deducted towards personal expenses. Loss of dependency was found to be Rs. 3861/-. Multiplier of 13 was applied. Thus, the loss of dependency was found to be Rs. 6,02,000/-. Adding

towards the love and affection @1,00,000/-, towards loss of estate @ 10,000/- and Funeral expenses @ 25,000/-, the total compensation of Rs. 7,37,000/- was awarded by the Tribunal.

The High Court only enhanced the customary head to the extent of Rs.1,15,000/- and thus, the total compensation, as awarded, comes to Rs. 8,52,000/-.

We have heard the learned counsel appearing for the parties. In the light of the Constitution Bench decision of this Court in National Insurance Company Limited Vs. Pranay Sethi & Ors., reported in (2017) 16 SCC 680, it is apparent that the future prospects of 40% have to be added as well as multiplier of 18 is required to be applied considering the age of the deceased. Accordingly, taking the income of Rs.7,722/-, as arrived at by the Tribunal, the loss of dependency is worked out at 50% with a multiplier of 18 and 40% future prospects are to be added. Thus, the compensation on account of loss of dependency comes to Rs. 11,67,556/-.

The breakup is given below :-

Income	[7722 X 12]	=	92664
Personal Expenses (50%)		=	46332
Multiplier 18	[46332 X 18]	=	833976
Future Prospects	[40%]	=	333590
Total compensation	[833976+333590]	=	1167566

It is made clear that the sum awarded under the customary heads shall not be disturbed.

The appeal is, accordingly, allowed. The enhanced compensation shall carry interest at the rate of 7% per annum from the date of filing the claim petition till realization. The amount be deposited with the Tribunal within a period of 10 weeks from today.

.....J.
[ARUN MISHRA]

.....J.
[INDIRA BANEREJEE]

New Delhi;
JUNE 08, 2020.

ITEM NO.25

Virtual Court 3

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 21788/2018

(Arising out of impugned final judgment and order dated 24-08-2017 in MACA No. 467/2016 passed by the High Court Of Delhi At New Delhi)

GOMTI

Petitioner(s)

VERSUS

RELIANCE GENERAL INSURANCE COMPANY LIMITED

Respondent(s)

WITH

SLP(C) No. 21789/2018 (XIV)

Date : 08-06-2020 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Sudhir Naagar, AOR

For Respondent(s) MR. JPN SHAHI, Adv.
Ms. Garima Prashad, AOR

Mr. Ashwani Kumar Soni, Adv.
Mr. Rajeev Maheshwaranand Roy, AOR
Mr. P. Srinivasan, Adv.

Mr. Shree Pal Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

SLP (C) No. 21788/2018

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

SLP (C) No. 21789 OF 2018

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

**(JAYANT KUMAR ARORA)
COURT MASTER**

**(JAGDISH CHANDER)
ASSISTANT REGISTRAR**

(Two separate signed orders are placed on the file)