

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5711-12 OF 2018
(Arising out of SLP(C)Nos.13933-13934/2018 @ D.No.13808/2018)

UNITED INDIA INSURANCE CO. LTD. ... APPELLANT(S)

VS.

SUMAN & ORS. ... RESPONDENT(S)

O R D E R

1. Delay condoned. Issue notice.
2. Ms. Manjeet Chawla, Advocate-on-Record, accepts notice for respondent Nos.1-5 on caveat. The service on the remaining respondents is dispensed with, as they are proforma respondents.
3. Leave granted.
4. Heard learned counsel for the parties.
5. The appeals have been preferred by Insurance Company, aggrieved by the determination of compensation made by the High Court. It is submitted that as per the salary certificate, the income was approximately Rs.37,000/- (Rupees Thirty Seven Thousand), that has been taken as Rs.57,000/- (Rupees Fifty Seven Thousand). On inclusion of the bonus figure of few months, that was filed by the

claimants, in view of the salary certificate Annexure P-4 that was on record, the calculation made by the High Court is excessive and the same deserves to be suitably worked out.

6. We have heard learned counsel for the parties on the aforesaid question of monthly salary. We find from the salary certificate Annexure P-4 for July, 2009, that the total salary paid was Rs.37,389/- (Rupees Thirty Seven Thousand Three Hundred Eighty Nine). However, yet another Form-16 was placed on record, which pertains to the period w.e.f. 1.4.2009 till the date of death, i.e., 19.8.2009 for the financial year 2009-10, i.e., for the assessment year 2010-11. As per that, the salary as per the provisions contained in Section 17(1) was worked out at Rs.2,47,390/- (Rupees Two Lakhs Forty Seven Thousand Three Hundred Ninety). Obviously, that included bonus also. The salary for the aforesaid period would come roughly to Rs.1,85,000/- (Rupees One lakh Eighty Five Thousand), @ Rs.37,389/- per month and the remaining part of Rs.52,390/- (Rupees Fifty Two Thousand Three Hundred Ninety) is that of the bonus. The age of the deceased was 35 years. The future prospect of 50% has to be added, as per the decision of this Court in National Insurance Co. Ltd. Vs. Pranay Sethi & Ors. (2017) 16 SCC 680. Working out on that basis, we take the annual bonus @ Rs.1,00,000/- (Rupees One Lakh), as it was not opposed, and the salary was Rs.37,389/- per month. Thus, the annual salary comes

to Rs.4,48,668/- (Rupees Four Lakhs Forty Eight Thousand Six Hundred Sixty Eight). Income Tax of Rs.51,000/- (Rupees Fifty One Thousand) has to be deducted. Thus, annual salary comes to Rs.3,97,668/- (Rupees Three Lakhs Ninety Seven Thousand Six Hundred Sixty Eight). Bonus of Rs.1,00,000/- (Rupees One Lakh) has to be added. Thus, annual income comes to Rs.4,97,668/- (Rupees Four Lakhs Ninety Seven Thousand Six Hundred Sixty Eight) and 50% of the future prospects have to be added. Thus, the income comes to Rs.7,46,502/- (Rupees Seven Lakhs Forty Six Thousand Five Hundred Two) per annum.

7. Taking the aforesaid amount the total annual earnings comes to Rs.7,46,502/- (Rupees Seven Lakhs Forty Six Thousand Five Hundred Two) and making deduction of 1/4th amount towards self-expenditure considering the number of dependents, the annual loss of dependency thus comes to Rs.5,59,877/- (Rupees Five Lakhs Fifty Nine Thousand Eight Hundred seventy Seven). The multiplier of 15 is applicable. The total loss of dependency comes to $\text{Rs.5,59,877} \times 15 = \text{Rs.83,98,155/-}$ (Rupees Eighty Three Lakhs Ninety Eight Thousand One Hundred Fifty Five). In the customary heads sum awarded is Rs.2,50,000/- (Rupees Two Lakhs fifty Thousand). Thus, the total amount comes to Rs.86,48,155/- (Eighty Six Lakhs Forty Eight Thousand One Hundred Fifty Five). The disbursement shall remain as per the order passed by the High Court. The rate of interest would also remain the same as is awarded by the High Court.

8. The appeals are partly allowed. Pending application, if any, stands disposed of.

.....J.
[ARUN MISHRA]

.....J.
[UDAY UMESH LALIT]

New Delhi;
10th May, 2018.

ITEM NO.2

COURT NO.9

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

SPECIAL LEAVE PETITION (CIVIL)Diary No(s).13808/2018

(Arising out of impugned final judgment and order dated 12-01-2018 in MACA No.633/2011 and dated 30-10-2017 in RP No.29/2018 passed by the High Court Of Delhi At New Delhi)

UNITED INDIA INSURANCE COMPANY LIMITED

Petitioner(s)

VERSUS

SUMAN & ORS.

Respondent(s)

(With appln.(s) for c/delay in filing SLP, exemption from filing c/c of the impugned judgment and permission to file addl. documents)

Date : 10-05-2018 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Rohit K. Sinha, Adv.
For Mr. T. Mahipal, AOR

For Respondent(s) Ms. Aruna Mehta, Adv.
Mr. Sanjeev Mehta, Adv.
Ms. Manjeet Chawla, AOR

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

Delay condoned.

Issue notice.

Leave granted.

The appeals are partly allowed in terms of the signed order.

(Sarita Purohit)
Court master

(Jagdish Chander)
Branch Officer

(Signed order is placed on the file)