

ITEM NO.1 Court 7 (Video Conferencing) SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 11175/2021

(Arising out of impugned final judgment and order dated 04-01-2021 in CMA No. 3100/2019 passed by the High Court Of Judicature At Madras)

THE DIVISIONAL MANAGER THE ORIENTAL INSURANCE CO. LTD.Petitioner(s)

VERSUS

RAHAMATHUNNISA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.86002/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.86000/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 29-07-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Pankaj Seth, Adv.
Ms. Manjeet Chawla, AOR
Mr. Hemant Gupta, Adv.

For Respondent(s)

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

Applications for exemption from filing c/c of the impugned judgment and permission to file additional documents/facts/annexures are allowed.

Learned counsel for the petitioner-Insurance Company makes a following three-fold submission:

i) The amount for loss of consortium has been granted of Rs.1 lakh 20 thousand contrary to the amount set forth *National*

Insurance Company Ltd. vs. Praney Sethi & Ors. (2017) 16 SCC 680.

ii) The grant of Rs. 4 lakh 50 thousand for loss of love and affection is contrary to the view of this Court in *United India Insurance Co. Ltd. vs. Satinder Kaur @ Satwinder Kaur & Ors.* (2020) 8 SCALE 482.

iii) After taking the amount of Rs.7,500/- per month as the income, it has been revised by the High Court to Rs. 12,500/- and thereafter by 40% for future prospects to come to a figure of Rs. 17,500/-

Issue notice.

In the meantime, there shall be stay of the operation of the impugned order limited to the aforesaid extent and the remaining amount be remitted to the respondents/deposited in the nationalized bank forthwith, if not already remitted/deposited within one month from today, particularly, in view of the last paragraph of the impugned order.

A copy of the order to accompany notice.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[BEENA JOLLY]
COURT MASTER (NSH)