

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
(ARISING FROM SPECIAL LEAVE TO APPEAL (CIVIL) NO.11175/2021)

THE DIVISIONAL MANAGER THE
ORIENTAL INSURANCE CO. LTD.

APPELLANT(S)

VERSUS

RAHAMATHUNNISA & ORS.

RESPONDENT(S)

O R D E R

1. Heard learned counsel for the appellant and learned counsel for the respondent No.14-Corporation.
2. Leave granted.
3. The appeal arises out of a motor accident which took place on 15.02.2016. The Tribunal by an award dated 08.02.2018 awarded a sum of Rs.21,12,000/- with 7.5% per annum interest from the date of claim petition.
4. The Tribunal in making the aforesaid award granted consortium to all the three wives of the deceased at the rate of Rs.40,000 per head. In addition, all the eight children were granted Rs.50,000/- each for love and affection. The Tribunal took the notional income of the deceased to be Rs.7,500/- per month and by enhancing it

to 40% for future prospects determine the loss of income to be Rs.15,12,000/- .

5. On appeal by the claimants for enhancement, the High Court without disturbing the compensation awarded as consortium to the three wives and for love and affection to the children, enhanced the notional income from Rs.7,500/- per month to Rs.12,500/- and by giving advantage of 40% future prospects determined it to be Rs.17,500/- .

6. The submissions of the learned counsel for the appellant are three fold. First, consortium is payable to a maximum of Rs.40,000/- only as per *National Insurance Co. Ltd. Vs. Pranay Sethi, (2017) 16 SCC 680* and that all the wives are not entitled to separate consortium. Secondly, the compensation awarded for love and affection to the children is on the higher side and against the ratio laid down in the *United India Insurance Co. Ltd. vs Satinder Kaur @ Satwinder Kaur And Ors. (Civil Appeal No.2705 of 2020), AIR 2020 SC 3076*. Lastly, it has been argued that there is no basis for enhancement the income of the deceased from Rs.7,500/- per month to Rs.12,500/- or to Rs.17,500/- p.m.

7. Notices were issued to claimants respondents but despite service no one appeared on behalf of them.

Therefore, the matter was adjourned to enable them to put in appearance but even then none has appeared for the respondents.

8. In view of the aforesaid facts and circumstances instead of adjudicating the matter on merits of the case, we are of the opinion that all the above three points be dealt with afresh by the High Court. Accordingly, we set aside the impugned judgment and order of the High Court dated 04.01.2021 in CMA No.3100/2019 and remand the matter to it for decision afresh on all the above three points.

9. The Civil Appeal is allowed as aforesaid.

10. Pending application(s), if any, stands disposed of.

.....J.
[PANKAJ MITHAL]

.....J.
[S.V.N. BHATTI]

New Delhi
Dated; 09th April, 2026

ITEM NO.26

COURT NO.9

SECTION XII

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). 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.
IA No. 38874/2022 - APPLICATION FOR PERMISSION)

Date : 09-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) :Mr. Pankaj Seth, Adv.
Ms. Manjeet Chawla, AOR
Ms. Jyoti, Adv.
Ms. Shruti Jain, Adv.
Ms. Sheetal Sharma, Adv.

For Respondent(s) :Mr. Aravindh S., AOR
Mr. Akshay Gupta, Adv.
Ms. Anika Bansal, Adv.

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

Leave granted.

2. The Civil Appeal is allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, stands disposed of.

(JAGDISH KUMAR)
ASTT. REGISTRAR-cum-PS

(NIDHI MATHUR)
COURT MASTER (NSH)