

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.3532 OF 2017

(Arising out of SLP(C)No.25711 of 2015)

JOGINDER KAUR

.....APPELLANT

VERSUS

NEW INDIA INSURANCE CO.LTD.

.....RESPONDENT

O R D E R

1. We have heard learned counsel for the rival parties.
2. Leave granted.
3. It is not in dispute, that the deceased Nirmal Singh had two trucks bearing registration Nos.HR-45-2885 and HR-46-8023. In addition to the above, he also had a tractor bearing registration No.HRK-3604. The Motor Accident Claims Tribunal (hereinafter referred to as 'the Tribunal') while assessing the compensation, assessed the income of the deceased on the premise, that he was an owner of just one truck. It is therefore apparent, that the Tribunal seriously faulted in determining the compensation payable to the appellant. Likewise, the High Court committed the same error.
4. It is also not in dispute, and it was never contested, that the deceased used to give the appellant herein Rs.8,000/- per month towards household expenses, and further, the deceased used to pay instalments to the tune of Rs.10,000/- to 12,000/- per month, towards the discharge of loans, for the truck owned by him. The

deceased must have been spending some other income on himself for his maintenance, as well.

5. In the above view of the matter, the assessment of Rs.4,000/-, as monthly income of the deceased, was clearly unjustified. We are satisfied, that the income of the deceased should have been assessed as Rs.10,000/- per month, and based on the parameters determined by the courts below, we are of the view, that but for the income of Rs.4,000/-, which we have determined as Rs.10,000/-, the compensation ought to have been determined in the same manner. Ordered accordingly.

6. In addition to the above, we are of the view, that no compensation has been awarded to the appellant i.e. the widow of the deceased on account of loss of love and affection. We hereby determine the compensation on the aforesaid count as Rs.50,000/-.

7. The instant appeal is allowed, to the aforesaid extent.

8. Needless to mention, that the additional payment now determined, will bear the same interest, at the same terms, as was determined by the courts below.

.....CJI.
(JAGDISH SINGH KHEHAR)

.....J.
(Dr.D.Y.CHANDRACHUD)

.....J.
(SANJAY KISHAN KAUL)

NEW DELHI;
FEBRUARY 28, 2017.

ITEM NO.6

COURT NO.1

SECTION IVB

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).25711/2015

(Arising out of impugned final judgment and order dated 30/07/2014 in FAO No.111/2005 passed by the High Court of Punjab & Haryana at Chandigarh)

JOGINDER KAUR

Petitioner(s)

VERSUS

JANPAL SINGH & ORS.

Respondent(s)

(With office report)

Date : 28/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr.Sahil S.Chauhan, Adv.
Mr.B.S.Chauhan, Adv.
Mr. Satish Kumar, Adv.

For Respondent(s) Mr.Abhishek Gala, Adv.
Mr.Vireseh B.Saharya, Adv.
Mr.Akshat Agarwal, Adv.
Mr. Viresh B. Saharya, Adv.

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

Leave granted.

The instant appeal is allowed, in terms of the signed order.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)