

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). \_\_\_\_\_ /2020  
(Arising out of Special Leave Petition (C) No(s).  
15620/2019

RAMESH CHANDRA TEWARI

Petitioner(s)

VERSUS

THE ORIENTAL INSURANCE COMPANY LIMITED & ORS.

Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal has been filed against the judgment and order dated 13.02.2019 passed in Cross Appeal No. 15 of 2018 and in Appeal from Order No. 139 of 2013 by the High Court of Uttaranchal at Nainital.

The High Court has enhanced the compensation from Rs.10,95,000/- to Rs.15,42,000/- . Being aggrieved the claimants have filed this appeal.

The learned counsel for the appellant has submitted that an error was committed in deduction of 50% towards personal expenses from annual income of the deceased and interest was not appropriately determined. He further submits that interest awarded was only 6%.

We have considered the submissions and perused the record. We find substance in the submissions of the learned counsel for the

appellant that award of rate of interest @ 6% was too less. We, thus, modify the judgment and order of the High Court and enhance the rate of interest from 6% to 9%.

We further notice that the High Court has not granted consortium as was required to be given in view of judgment in "National Insurance Company Versus Pranay Sethi (2017) 16 SCC 680. and judgment of this Court in C.A. No. 3093 of 2020 (The New India Assurance Company Limited Versus Smt. Somwati and others) with connected matters dated 07.09.2020. Accordingly, we further increase the amount of consortium to Rs. 40,000/-.

Let appropriate computation be done by Motor Accident Claims Tribunal and the enhanced amount be paid to the appellant within three months.

The appeal is partly allowed to the above extent.

.....J.  
[ASHOK BHUSHAN]

.....J.  
[R. SUBHASH REDDY]

.....J.  
[M.R. SHAH]

NEW DELHI;  
SEPTEMBER 11, 2020.

