

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5684 OF 2017

(@Petition(s) for Special Leave to Appeal (C) No(s). 7178/2017)

KAMALJIT KAUR AND ORS

Appellant(s)

VERSUS

BALWINDER SINGH @ BINDER & ORS

Respondent(s)

O R D E R

Leave granted.

In the present case, after going through the facts and the fact that the deceased was 33 years old when he was killed in an accident and that his salary was Rs.29,167/- per month, the Motor Accident Claims Tribunal ultimately awarded a sum of Rs.31,54,960/- as compensation to the family of the victim. In a First Appeal to the High Court of Punjab and Haryana, after applying a multiplier of 16 and adding amounts for medical and other future prospects, the High Court ultimately arrived at a figure of Rs.48,30,700/-. This amount was arrived at after deducting 1/3rd for personal expenses.

We are satisfied on the facts of this case that 1/4th should have been deducted for personal expenses and not 1/3rd. The differential figure, therefore, comes to Rs.5,68,224/- along with interest at 7.5% per annum from the date of claim. This sum will be paid to the appellants in addition to Rs.48,30,700/- if it has not already been paid. The share of the Appellant Nos.2 and 3, who are minors, shall be deposited in a Nationalized Bank as directed by the High Court.

The Court has stated that the Insurance Company can move against the owner to recover this sum. The finding of the Courts below is that since the owner did not produce a route permit and fitness certificate of the vehicle in question, this recovery can be made. We have been shown by Mr. Rana Mukherjee, learned Senior counsel appearing on behalf of the owner of the vehicle, that in point of fact, the route permit was produced before the High Court by way of an application for additional evidence under Order XLI Rule 27 of the Civil Procedure Code. Apparently, this fact has not been noticed by the High Court. Be that as it may, it will be open for the owner of the vehicle in proceedings taken by the Insurance Company to raise all contentions as to why he ought not to have been made liable.

The appeal is disposed in the above terms.

.....J
(ROHINTON FALI NARIMAN)

.....J
(ABHAY MANOHAR SAPRE)

NEW DELHI;
26TH APRIL, 2017.

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). 7178/2017

(Arising out of impugned final judgment and order dated 16/08/2016 in FAO No. 3602/2012 passed by the High Court of Punjab & Haryana at Chandigarh)

KAMALJIT KAUR AND ORS

Petitioner(s)

VERSUS

BALWINDER SINGH @ BINDER & ORS

Respondent(s)

(With office report)

Date: 26/04/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE

For Petitioner(s)

Ms. Rajani Ohri Lal, AOR

Mr. Himinder Lal, Adv.

For Respondent(s)

Mr. Rana Mukherjee, Sr. Adv.

Mr. A.K. Soni, Adv.

Mr. Rajeev Maheshwaranand Roy, AOR

Mr. Sanjay Kumar Dubey, AOR

Ms. Shuchi Singh, Adv.

Mr. Krishan Kant Dubey, Adv.

Mr. C.K. Pandey, Adv.

Mr. Devendra Kumar Shukla, Adv.

Mr. U.N. Mishra, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is disposed in terms of the signed order.

(VISHAL ANAND)
COURT MASTER

(SNEH LATA SHARMA)
COURT MASTER

(Signed Order is placed on the file)

