

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 2537 OF 2020
(Arising out of SLP (C) No. 18689 of 2018)

VEENA

... APPELLANT(S)

Versus

SUDHARKAR & ORS.

... RESPONDENTS

ORDER

Leave granted.

1. The present civil appeal has been filed by the Appellant/Claimant – the widowed mother of the deceased, for enhancement of compensation awarded by the High Court under the Motor Vehicles Act, 1988.
2. On 10.11.2013, the deceased was riding on a motorcycle bearing No. HR-99-RBT-8316. When he reached near the turning towards the Court on Mathura Road, Faridabad, the offending truck mixer bearing No. HR-55-Q-3667 driven by the Respondent No. 1 – driver hit the motorcycle, and the deceased got crushed under the front wheel of the truck, and died on the spot. The accident occurred due to the rash

and negligent driving of Respondent No. 1, and FIR No. 837 dated 10.11.2013 was registered in P.S. Faridabad on the statement of an eye-witness. The Post Mortem of the deceased was done in B.K. Hospital, Faridabad, which recorded that the death of the deceased had been caused in a road accident.

3. The Appellant – widowed mother of the deceased filed a Claim Petition bearing M.V.A. Petition RBT No. 30/2013 on 27.11.2013 before the MACT, Faridabad as she was completely dependent on the deceased, who was her only child.
4. The MACT *vide* its Award dated 21.07.2014 assumed the income of the deceased to be that of a “casual worker” at Rs. 5,000/- p.m., which would work out to an annual income of Rs. 60,000/-. Since he was unmarried, half of the income was deducted towards personal expenses. The MACT applied the multiplier of 18, and assessed the annual dependency of the Claimant at Rs. 30,000/-. On this basis, she was awarded compensation of Rs. 5,40,000/-, along-with Interest @7.5% p.a. from the date of filing the claim petition till realization. The Respondent No. 3 – Universal Sompo General Insurance Company was held liable to pay the compensation.
5. Aggrieved by the Award passed by the MACT, the Appellant/Claimant filed Appeal bearing F.A.O. No. 221/2015 before the High Court of

Punjab & Haryana at Chandigarh.

The High Court held that it would not be appropriate to restrict the earning of the deceased on the exact figure of minimum wages which were prevailing for an unskilled labourer. Considering the age of the deceased as 20 years, his income was assessed @Rs. 5,500/- p.m., future prospects were awarded @40%, and Rs. 30,000/- was awarded towards funeral expenses and loss of estate. The total amount awarded by the High Court came to Rs. 8,61,600/-.

Aggrieved by the Judgment of the High Court, the Appellant has filed the present civil appeal for further enhancement of compensation.

6. Having heard the parties and perused the record, we note that the Appellant has stated on oath before this Court that her son had qualified in the Sr. Secondary Examination, and completed a one-year Diploma Course in Office Automation and Publishing from Excess Computer Education, Dehradun on 07.07.2011. We would therefore take the notional income of the deceased at Rs. 7,500/- p.m. on the date of his death. The Appellant is awarded an amount of Rs. 40,000/- towards loss of consortium as per this Court's judgment in *Magma General Insurance Co. Ltd. v. Nanu Ram & Ors.*¹

¹ (2018) 18 SCC 130.

The amounts payable to the Appellant, who is the only dependent of the deceased, would work out as follows :

i)	Income :	Rs. 7,500/- p.m.
ii)	Future Prospects :	Rs. 3,000/- (i.e. 40% of the income)
iii)	Deduction towards personal expenses :	50%
iv)	Total income :	Rs. 5,250/- (i.e. 50% of 7,500 + 3,000)
v)	Multiplier :	18
vi)	Loss of dependency :	Rs. 11,34,000/- (i.e. 5,250 x 12 x 18)
vii)	Loss of estate :	Rs. 15,000/-
viii)	Loss of funeral expenses :	Rs. 15,000/-
ix)	Loss of consortium :	Rs. 40,000/-
	Total :	Rs. 12,04,000/-

7. The Respondent No.3 – Insurance Company is directed to pay the enhanced amount of compensation to the Appellant. The enhanced amount will carry Interest @7.5% p.a. from the date of filing the claim petition i.e. 27.11.2013 till the date of payment. The amount shall be deposited by the Respondent No. 3 – Insurance Company with the MACT, Faridabad within a period of 8 weeks, which will be released by the MACT to the Appellant –

Veena
W/o Shri Madan Mohan Lunihal
R/o H. No. 1-K/21, N.I.T., Faridabad

The civil appeal is allowed in the aforesaid terms, with no order as to costs.

Pending applications, if any, are disposed of.

.....J.
(S. ABDUL NAZEER)

.....J.
(INDU MALHOTRA)

.....J.
(ANIRUDDHA BOSE)

NEW DELHI
JUNE 08, 2020

ITEM NO.26

Virtual Court 5

SECTION IV-B

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). 18689/2018

(Arising out of impugned final judgment and order dated 01-05-2018 in FAO No. 221/2015 passed by the High Court Of Punjab & Haryana At Chandigarh)

VEENA

Petitioner(s)

VERSUS

SUDHARKAR & ORS.

Respondent(s)

Date : 08-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. A.P. Dhamija, Adv.
Mr. Sarad Kumar Singhania, AOR

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR
Mr. Rajat Khattry, Adv.
Mr. Vivek Kishore, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications, if any, are disposed of.

(NEELAM GULATI)
ASTT. REGISTRAR-cum-PS

(RAJINDER KAUR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)