

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).2502 OF 2020
(ARISING OUT OF SLP(C) No.20891/2018)

PHOOL KUMARI & ORS.

APPELLANT(S)

VERSUS

BALWANT & ORS.

RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. This appeal has been filed by the claimants for enhancement of the compensation dissatisfied by the quantum of compensation awarded by the Motor Accident Claims Tribunal (for short, "the Tribunal"). The Tribunal awarded a sum of Rs.4,78,000/- with interest at the rate of 6% per annum.
3. The High Court, on appeal, granted a total compensation of Rs.5,28,000/- with interest at the rate of 6% per annum from the date of claim petition till realization.
4. At the time of the incident, the age of the deceased was 43 years. It was submitted that the deceased was in the business of selling spare parts and he used to earn a sum of Rs.30,000/- per month, total compensation of

Rs.53,25,000/- along with interest was claimed by the widow of the deceased. The Tribunal, for want of submitting documents of Income Tax, disbelieved the income of the deceased of Rs.30,000/- per month and assumed it to be Rs.3,000/- per month. The High Court has also accepted the income of the deceased to be Rs.3,000/- per month.

5. After hearing the learned counsel for the parties, we are of the opinion that there is nothing on record to indicate that the deceased was not in employment of selling spare parts. Though his income was claimed to be Rs.30,000/- per month, in the facts and circumstances of the case and considering the evidence on record, it would be safe to assume his income, considering the nature of the business he was in, to be Rs.9,000/- per month. Considering the number of dependents left behind by the deceased to be four children as well as a widow, it would be appropriate to deduct 1/4th amount towards self expenses, the loss of dependency comes to Rs. 81,000/- per annum and multiplier of 15 is applicable. The amount of loss of dependency comes to Rs.12,15,000/-. In the light of the Constitution Bench decision of this Court in National Insurance Company Limited v. Pranay Sethi and Others, reported in (2017) 16 SCC 680, 25% has to be

granted towards future prospects, which comes to Rs.3,03,750/-. In addition, Rs.77,000/- is awarded towards the other customary heads, which includes loss of consortium assessed as Rs.22,000/-. The total compensation, thus, comes to Rs.15,95,750/-.

6. The enhanced compensation shall carry interest at the rate of 7% per annum from the date of filing the claim petition till realization. Let the amount be deposited with the Tribunal within three months from today.

7. The appeal is allowed to the above extent.

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

.....J.
[ARUN MISHRA]

.....J.
[S. ABDUL NAZEER]

.....J.
[INDIRA BANERJEE]

NEW DELHI;
JUNE 04, 2020.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 20891/2018

(Arising out of impugned final judgment and order dated 30-04-2018 in FAFO No. 278/2018 passed by the High Court of Judicature at Allahabad, Lucknow Bench)

PHOOL KUMARI & ORS.

PETITIONER(S)

VERSUS

BALWANT & ORS.

RESPONDENT(S)

(IA No. 108234/2018 - EXEMPTION FROM FILING O.T.)

Date : 04-06-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE S. ABDUL NAZEER
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Ms. Neerja Sachdeva, Adv.
Mr. A.P. Mohanty, AOR

For Respondent(s) Mr. Ardhendumauli Kumar Prasad
Ms. Taruna Ardhendumauli Prasad, AOR
Mr. Rohit Pandey, Adv.

Mr. Arvind Gupta, AOR

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

Heard learned counsel for the parties. Leave granted.
The appeal is allowed, in terms of the signed order.
Pending application(s), if any, shall stand disposed of.

(NARENDRA PRASAD)
A.R-CUM-P.S.

(JAGDISH CHANDER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)