

ITEM NO.10

COURT NO.4

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).
30426-30428/2015

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 18/05/2015
IN FAO NO. 1629/2003, FAO NO. 1630/2003 AND FAO NO. 1631/2003
PASSED BY THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

HARISH KUMAR ADHLAKHA

PETITIONER(S)

VERSUS

RAMESH KUMAR AND ORS.

RESPONDENT(S)

Date : 08/02/2017 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Akshat Goel, Adv.
Mr. Dushyant Tiwari, Adv.

For Respondent(s)

Mr. Maish Pratap Singh, Adv.
Dr. Nafis A. Siddiqui, Adv.

Mr. Vijay K. Jain, Adv.
Mr. Sanjeev K. Bhardwaj, Adv.
Mr. Anil Karnwal, Adv.

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

Leave granted.

The appeals are partly allowed in terms of the
signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2120-2122 OF 2017
[Arising out of Special Leave Petition
(Civil) Nos.30426-30428/2015]

HARISH KUMAR ADHLAKHA . . . APPELLANT

VERSUS

RAMESH KUMAR AND ORS. . . RESPONDENTS

ORDER

1. Leave granted.
2. We have heard the learned counsel for the parties.
3. The claimant seeks enhancement of compensation awarded by the High Court on account of the death of his two sons aged three years and one and half years respectively and also on account of death of his wife, aged 27 years all of whom had died in a tragic motor accident that took place on 29th April, 2002.

4. The High Court in appeal filed by the claimant for enhancement of compensation thought it proper to enhance the same to a figure of Rs.1,75,000/- with interest at the rate of 7.5% per annum in respect of claimant's three years' old son; to Rs.1,65,000/- with interest at the rate of 7.5% per annum in respect of his one and half years' old son; and to a sum of Rs.4,53,000/- with interest at the rate of 7.5% per annum in respect of his wife who was 27 years of age at the time of the incident.

5. We have considered the evidence on record and find from the deposition of the claimant that evidence was tendered to the effect that the deceased wife was running a beauty parlour and earning about Rs.5,000/- per month. The said evidence had remained uncontroverted in cross-examination. No

contrary evidence has also been led. Taking into account the age of the deceased wife of the claimant and the circumstances in which she was employed i.e. running a beauty parlour we are of the view that a sum of Rs.2,000/- (which roughly corresponds to one-third of her earnings) should be deducted therefrom on account of her personal expenses. This would bring the total income of the deceased wife to Rs.3,000/- per month i.e. Rs.36,000/- per annum to which the multiplier of 17 has to be applied. Thus calculated the entitlement of the claimant to compensation on account of death of his wife comes to Rs.6,12,000/-.

6. An argument has been made relying on the decision of this Court in Rajesh and ors. vs. Rajbir Singh & ors.¹ that the consortium paid to the claimant on account

1 (2013) 9 SCC 54

of the death of his wife has to be increased to Rs.1,00,000/- and the funeral expenses to Rs.25,000/-. We are not inclined to grant any enhancement on the aforesaid accounts as we have been informed that the claimant has since remarried and has got three children.

7. So far as the compensation paid for the death of the children are concerned we are of the view that in the facts of the present case and also having regard to the fact that the claimant has three children from the second marriage no further enhancement should be allowed.

8. For the aforesaid reasons, we enhance the compensation payable to the claimant on account of death of his wife from Rs.4,53,000/- awarded by the High Court to Rs.6,12,000/-. On the enhanced amount, the insurer will pay interest at

the rate of 7.5% per annum as awarded by the High Court from the date of claim to the date of actual payment.

9. The appeals are consequently partly allowed in the above terms.

....., J.
(RANJAN GOGOI)

....., J.
(ASHOK BHUSHAN)

NEW DELHI
FEBRUARY 08, 2017