

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2565 OF 2020
(ARISING OUT OF SLP(C) No.7527 OF 2020
@ Diary No(s). 32427/2018)

NAGARAJ & ANR.

APPELLANT(S)

VERSUS

UNITED INDIA INSURANCE CO. LTD.

RESPONDENT(S)

O R D E R

Delay condoned.

Heard with the consent of the learned counsel for the parties.

Leave granted.

The claimants are the parents of the deceased claiming compensation on account of death of Harish, a young boy of 22 years old, who was an engineering student. The accident took place on 29.09.2014. Harish was going on bicycle near Batavadi Lakshmi Venkateshwara temple at Tumkur, a bus (KA-06/D-1710) driven rashly and negligently by its driver hit the bicycle of the deceased. The deceased fell down and the bus ran over his body. He succumbed to the injuries on the spot itself.

It was claimed that the deceased Harish had bright future ahead and he could have earned at least Rs.25,000/- (Rupees Twenty-five Thousand) per month. The vehicle was owned by Channabasaweshwara Institute of Technology and was insured with respondent/United India Insurance Company.

The Motor Accident Claims Tribunal (for short, 'the Tribunal') assessed the income at Rs.20,000/- (Rupees Twenty Thousand) per month and awarded a total compensation of Rs.30,00,000/- (Rupees Thirty Lac) along with interest @ 6% per annum.

The High Court reduced the compensation to Rs.14,20,000/- (Rupees Fourteen Lac Twenty Thousand) which includes a sum of Rs.70,000/- (Rupees Seventy Thousand) awarded towards customary heads along with interest @ 6% per annum. Dissatisfied thereby, the appeal has been preferred by the claimants.

Having heard learned counsel for the parties at length, we are of the opinion that correct multiplier has not been applied by the High Court. In view of the Constitution Bench decision of this Court in National Insurance Company Limited v. Pranay Sethi and Others, reported in (2017) 16 SCC 680, multiplier applicable is that of 18 and not that of 15, as applied by the High Court as well as future prospects of 40% were required to be added. In view of the aforesaid decision in Pranay Sethi (supra), taking income as Rs.15,000/- (Rupees Fifteen Thousand), as assured by the High Court, 50% has to be deducted towards self-expenditure, considering the deceased was a bachelor the monthly loss of dependency comes to Rs.7,500/- (Rupees Seven Thousand Five Hundred), the compensation on account of loss of dependency comes to Rs.16,20,000/- (Rupees Sixteen Lac Twenty Thousand) (7500 x 12 x 18). 40% is to be added towards future prospects, which comes to Rs.6,48,000/- (Rupees Six Lac Forty-eight Thousand). In addition, a sum of Rs.70,000/- (Rupees Seventy Thousand) is awarded under the customary heads.

The total amount comes to Rs.23,38,000/- (Rupees Twenty-three Lac Thirty-eight Thousand). The enhanced amount shall carry interest @ 6% per annum from the date of filing the claim petition till realization.

The amount be deposited with the Tribunal within eight weeks from today.

The appeal is allowed to the aforesaid extent.

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

.....J.
[ARUN MISHRA]

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

.....J.
[INDIRA BANERJEE]

NEW DELHI;
JUNE 12, 2020.

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

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 32427/2018

(Arising out of impugned final judgment and order dated 18-01-2018
in MFA No. 102115/2016 passed by the High Court Of Karnataka
Circuit Bench At Dharwad)

NAGARAJ & ANR.

PETITIONER(S)

VERSUS

UNITED INDIA INSURANCE CO. LTD.

RESPONDENT(S)

(IA No.127618/2018-CONDONATION OF DELAY IN FILING
IA No. 127618/2018 - CONDONATION OF DELAY IN FILING)

Date : 12-06-2020 This matter was 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) Mr. Anil Kumar, AOR

For Respondent(s) Mr. Pradeep Gaur, Adv.
Mr. Amit Gaur, Adv.
Mr. Rameshwar Prasad Goyal, AORUPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeal is allowed, in terms of the signed order.

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

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS(JAGDISH CHANDER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)