

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2487 OF 2020

[@ SPECIAL LEAVE PETITION (C) NO. 4632 OF 2018]

KHEM CHAND AND ANR.

..APPELLANT(S)

VERSUS

UNITED INDIA INSURANCE CO. LTD.
AND OTHERS

..RESPONDENT(S)

O R D E R

Leave granted.

The present appeal has been filed by the appellants against the judgment and order dated 29.01.2016 passed by the High Court of Delhi in MAC APP. No.439/2015.

The son of the appellants suffered fatal injuries and died in an accident on 24.09.2014, when he was riding on his motorcycle and hit by a DTC bus.

The MACT vide its order dated 10.04.2015 awarded a sum of Rs.15,20,748/- to the appellants with interest @ 9% per annum from the date of filing of the DAR i.e. 30.10.2014 till the date of deposit.

The High Court vide its judgment dated 10.04.2015 held that no benefit on account of future prospects can be accorded. Thus, the loss of dependency needs to be reworked. The High Court noted that the Tribunal deducted 50% on account of personal and living expenses and took the multiplicand of Rs.4,277/- as the loss of monthly dependency. By this reckoning, the total loss of dependency, on the multiplier of 14 worked out to be Rs.7,18,536/-. Adding the non-pecuniary damages on account of love and affection, funeral expenses and loss of estate, as granted by the Tribunal in the total sum of Rs.1,35,000/-, the total compensation payable comes

to Rs.8,53,536/- rounded off to Rs.8,54,000/-.

In the facts and circumstances of the case, we feel it appropriate, 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, to restore the award passed by the Tribunal. Ordered accordingly.

The impugned judgment and order passed by the High Court is thus set aside and that of the Tribunal is restored. The appeal is, accordingly, allowed.

Vide order dated 08.02.2018, this Court, while issuing notice, condoned the delay subject to the condition that the appellants shall not be entitled for interest for the period of delay. Accordingly, for the period of delay of 639 days, no interest shall be payable.

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

.....J.
[ARUN MISHRA]

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

.....J.
[INDIRA BANERJEE]

NEW DELHI;
JUNE 02, 2020.

ITEM NO.26

Virtual Court 3

SECTION XIV

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). 4632/2018

(Arising out of impugned final judgment and order dated 29-01-2016 in MACA No. 439/2015 passed by the High Court Of Delhi At New Delhi)

KHEM CHAND & ANR.

Petitioner(s)

VERSUS

UNITED INDIA INSURANCE CO.LTD. & ORS.

Respondent(s)

(IA No. 17083/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 02-06-2020 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. Rajnish Kumar Jha, AOR

For Respondent(s) Mr. A. K. De, Adv.
Mr. Pramit Saxena, 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 interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)