

ITEM NO.9

COURT NO.4

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). 31383/2015  
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 06/04/2015  
IN MACA NO. 24/2012 PASSED BY THE HIGH COURT OF DELHI AT NEW DELHI)

KANCHAN &amp; ORS.

PETITIONER(S)

VERSUS

FEROZ KHAN GHAZI & ANR.  
(WITH OFFICE REPORT)

RESPONDENT(S)

Date : 09/02/2017 This petition was called on for hearing today.

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

For Petitioner(s) Mr. Balraj Dewan, Adv. [N/P]

For Respondent(s) Ms. Shanta Devi Raman, Adv.  
Mr. Garvesh Kabra, Adv.  
Mr. Arbaal Hussain, Adv.

Mr. Mansoor Ali, Adv.  
Mr. S.K. Pathak, Adv.  
Ms. Lubna Ishrat Siddiqui, Adv.  
Ms. Rubina Jawed, Adv.

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

Leave granted.

The appeal is disposed of 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.2319 OF 2017  
[Arising out of Special Leave Petition  
(Civil) No.31383/2015]

KANCHAN & ORS. . . . APPELLANTS

VERSUS

FEROZ KHAN GHAZI & ANR. . . . RESPONDENTS

ORDER

1. Leave granted.
2. This appeal for enhancement of compensation is by the claimants whose husband/father/son died at the age of 29 years leaving behind the claimant No.1 - wife, three minor children (claimant Nos. 2 to 4) and parents (claimant Nos.5 and 6). Though the High Court enhanced the compensation amount from Rs.15,71,240/- to Rs.25,45,300/- with interest at the rate of

7.5% per annum from the date of the claim, according to the claimants, the High Court was wrong in not giving the claimants the benefit of future prospects which the deceased would have earned. Hence this appeal.

3. Having regard to the age of the deceased; the proved income on the basis of the salary certificate of Rs.15,100/- per month and the fact that the deceased was working as a site in-charge, we are of the view that it can be reasonably said that the deceased would have earned a higher income had he been alive. The entitlement for future prospects, therefore, cannot be disputed though the difficulty may lie in working out the correct quantum thereof.

4. In our view, a broad figure of 50% enhancement over and above the income of Rs.15,100/- per month can be understood to

be a fair measure of additional compensation on account of future prospects. Properly calculated, the additional amount of compensation would work out to Rs.11,00,000/- (approximately) out of which deduction on account of income-tax will have to be made. Taking into account the vagaries and uncertainties of life and on an overall consideration of the totality of the facts we arrive at the conclusion that a lump sum additional compensation of Rs.7,50,000/- along with interest at the rate of 6% per annum thereon from the date of claim to the date of actual payment will meet the ends of justice. We order accordingly. The insurer will pay the said amount to the claimants forthwith.

5. The appeal is disposed of in the above terms.

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

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

NEW DELHI  
FEBRUARY 09, 2017