

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2562 OF 2020  
(ARISING OUT OF SLP(C) No.8131/2017)

DURGABAI & ORS.

APPELLANT(S)

VERSUS

DEEPAK @ MUNNA & ANR.

RESPONDENT(S)

O R D E R

Leave granted.

The appeal has been filed by the claimants for enhancement of the compensation. The deceased, Subhash Vamanrao Thakre, aged 35 years, died in an accident on 19.02.1998. The deceased was travelling in a Minidor (MH 30 E 6359) and was going to Karanja. The vehicle met with an accident and dashed with a Bullock-cart at Mangrulpir, Karanja Road. The deceased sustained severe injuries and was treated at Cottage Hospital, Mangrulpir and thereafter, shifted to General Hospital at Akola, where he succumbed to the injuries.

A claim petition was filed by the widow of the deceased and four children for the award of compensation. The deceased owned 3 Hectares 24R of the land. The deceased used to irrigate the land and sell the vegetables and agricultural produce and earned Rs.8000/- to Rs.9000/- per month.

The Motor Accident Claims Tribunal (for short, 'the Tribunal') awarded a sum of Rs.1,69,500/-. The High Court enhanced the compensation by Rs.4,88,500/- along with interest at the rate of 9%

per annum. Dissatisfied thereby, the appellants have preferred this appeal, by way of special leave.

After hearing learned counsel for the parties at length, we are of the opinion that considering the land held by the deceased, who used to grow and sell vegetables and agricultural produce in the market, it would be appropriate to assess the income of the deceased at Rs.6000/- per month. Considering the number of dependents, 1/4<sup>th</sup> of the amount i.e. Rs.1,500/- is deducted towards self-expenditure. The loss of dependency is worked out as Rs.4,500/- per month. Multiplier of 16 is to be applied. Thus, the amount towards loss of dependency comes to Rs.8,64,000/- (Rupees Eight Lacs Sixty Four Thousand only) (Rs.4,500 x 12 x 16). Towards future prospects 40% i.e. Rs.3,45,600/- (Rupees Three Lacs Forty Five Thousand Six Hundred only) is to be added. Then, in addition, we re-assess and re-calculate the customary benefits. We award Rs.25,000/- towards loss of consortium to the wife, Rs.25,000/- towards funeral expenses, Rs.20,000/- towards loss of estate and Rs.40,000/- towards loss of love and affection. Thus, the total compensation comes to Rs.13,19,600/- (Rupees Thirteen Lacs Nineteen Thousand Six Hundred).

The enhanced compensation shall carry interest at the rate of 7% per annum from the date of filing the claim petition till realization.

The appeal is allowed to the aforesaid extent.

The amount shall be deposited by the Insurer with the Tribunal within 10 weeks from today.

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

Ordered accordingly.

.....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  
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). 8131/2017

(Arising out of impugned final judgment and order dated 19-08-2016 in FA No. 2/2005 passed by the High Court Of Judicature At Bombay At Nagpur)

DURGABAI & ORS.

PETITIONER(S)

VERSUS

DEEPAK @ MUNNA & ANR.

RESPONDENT(S)

Date : 12-06-2020 This petition 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. Amol B. Karande, AOR  
Mr. Abhishek Kumar, Adv .

For Respondent(s) Mr. Sudhir Naagar, 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 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)