

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S).3409 OF 2017
(Arising out of SLP(C) No.5587 of 2016)

CHIKKAMMA AND ANR. . . . APPELLANT(S)

VERSUS

PARVATHAMMA AND ANR. . . . RESPONDENT(S)

O R D E R

1. Leave granted.
2. We have heard the learned counsels for the parties.
3. The only issue that would require the decision of this Court is on the quantum of compensation that should be awarded to the appellants, who were the claimants in a proceeding under the Motor Vehicles Act, 1988. Compensation was sought on account of the death of one Srikanth, who died a bachelor leaving behind the appellant No.1 (Chikkamma), his mother aged about 58 years and his sister, the appellant No.2 (H.S. Susheela), a physically handicapped girl.

4. The learned Tribunal by taking into account the age of the mother of the deceased, adopted the multiplier of 9. Holding that the deceased was earning an income of Rs.7,000/- per month, the computation was worked out at Rs.4.08 lakhs. To this, interest was awarded at the rate of 6% per annum from the date of filing of the claim petition till the date of payment.

5. In appeal, the High Court enhanced the income of the deceased to Rs.9,000/- per month and maintained the multiplier adopted by the learned Tribunal i.e. 9. On the said basis, an additional amount of Rs.1.53 lakhs was awarded along with interest on the said enhanced amount payable from the date of the claim petition till the date of payment.

6. While the issue with regard to adoption of the age of the deceased or that of the dependent for picking up an approximate multiplier, in a case where the deceased was a bachelor is pending before a

larger Bench of this Court, we are of the view that in the facts of the present case, as the deceased had left his aged mother and a younger sister (physically handicapped), it is the age of the deceased which should be taken into account for adoption of the multiplier. On the said basis the multiplier which would require to be adopted is 17.

7. The income of the deceased calculated at Rs.9,000/- per month does not disclose any apparent error nor does loss of dependency which has been worked out by the forums below at 50%. Taking into account the income of the deceased; loss of dependency and the multiplier now adopted, the total compensation awardable works out to Rs.9.18 lakhs. Out of this amount the forums below has already found the claimants to be entitled to Rs.5.61 lakhs. The balance of Rs.3.57 lakhs (Rs.9.18 lakhs minus 5.61 lakhs) will now be paid forthwith to the appellants-claimants which amount will carry

interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of payment.

8. Learned counsel for the appellants has vehemently urged that some amount on account of future prospects should also be awarded while determining the entitlement of the appellants for the enhancement of compensation.

9. Taking into account the fact that the deceased was a self employed person and also as the question with regard to award of future prospects of a self employed person is presently pending before a larger Bench of this Court and as some enhancement of compensation has already been made by us, we are of the view that in the facts of the present case, the claim for future prospects ought not to be gone into by us. The said claim, therefore, is refused.

10. We have noticed that the High Court had directed that interest on the enhanced

amount by the High Court shall not be paid for the period of 205 days delay that has occurred in filing of the appeal. Taking into account the facts and circumstances of the case, we set aside the aforesaid part of the High Court Order and direct that the interest for the full period be paid to the claimants.

11. Consequently, the appeal is allowed to the extent indicated above.

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

....., J.
(NAVIN SINHA)

NEW DELHI
FEBRUARY 28, 2017

ITEM NO.7

COURT NO.4

SECTION IVA

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). 5587/2016

(Arising out of impugned final judgment and order dated 14/07/2014 in MFA No. 1428/2013 passed by the High Court Of Karnataka At Bangalore)

CHIKKAMMA AND ANR.

Petitioner(s)

VERSUS

PARVATHAMMA AND ANR.

Respondent(s)

(with office report)

Date : 28/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Mr. Anand Sanjay M. Nuli, Adv.

Mr. Dharm Singh, Adv.

Mr. B.R. Deepak, Adv.

For M/s. Nuli & Nuli

For Respondent(s) Ms. Meenakshi Midha, Adv.

Mr. Akhil Roy, Adv.

For Mr. Chander Shekhar Ashri, Adv.

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, if any, shall stand disposed of.

(Neetu Khajuria)

Court Master

(Asha Soni)

Court Master

(Signed order is placed on the file.)