

ITEM NO.57

COURT NO.10

SECTION XIA

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). 32287/2015

(Arising out of impugned final judgment and order dated 11/08/2015 in MACA No. 1898/2011 passed by the High Court Of Kerala At Ernakulam)

RAVEENDRAN @ THANKAMANI & ORS.

Petitioner(s)

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. & ORS.
(with office report)

Respondent(s)

Date : 13/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Jayanth Muthraj, Adv.
Mr. Sajith. P, Adv.

For Respondent(s) Mr. P.K. Seth, Adv.
Ms. Manjeet Chawla, Adv.

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

Leave granted.

The sum of Rs.7,87,500/- (Rupees seven lakhs eighty seven thousand and five hundred only) is enhanced by Rs,2,50,000/- (Rupees two lakhs and fifty thousand only) with interest at the rate of 9% p.a. from the date of filing of the claim petition till its realisation. Let the total amount be paid within a period of two months from today.

Appeal is allowed in terms of the signed order.

(NEELAM GULATI)
COURT MASTER

(TAPAN KR. CHAKRABORTY)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2560 OF 2017
(Arising out of SLP(C) No. 32287 of 2015)

RAVEENDRAN @ THANKAMANI & ORS.

Appellant (s)

VERSUS

THE NEW INDIA ASSURANCE CO. LTD. & ORS.

Respondent(s)

O R D E R

Leave granted.

The mother, father and sister are the claimants. The son of petitioner no. 1 who was aged twenty eight years and was in jewellery work, died in the accident. He was earning approx. Rs.6,000/- (Rupees six thousand only)p.m. The High Court has awarded total compensation of Rs.7,87,500/- (Rupees seven lakhs eighty seven thousand and five hundred only) inclusive of customary heads. The High Court has taken dependency at 50%.

We have heard learned counsel for the parties. We found that future prospects have not been considered by the High Court. Future prospects ought to have been taken into consideration. Thus considering the future prospects and the age of the deceased, we deem it appropriate to enhance the sum of Rs,2,50,000/- (Rupees

two lakhs and fifty thousand only) under the head of 'loss of dependency'. Thus the sum of Rs.7,87,500/- (Rupees seven lakhs eighty seven thousand and five hundred only) is enhanced by Rs,2,50,000/- (Rupees two lakhs and fifty thousand only) with interest at the rate of 9% p.a. from the date of filing of the claim petition till its realisation.

Let the total amount be paid within a period of two months from today.

Appeal is allowed.

.....J
(ARUN MISHRA)

.....J
(Dr. D.Y. CHANDRACHUD)

NEW DELHI
FEBRUARY 13, 2017