

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.837 OF 2020
(Arising out of SLP(Civil) No.29739 of 2018)

MEENA BAI & ORS.

APPELLANT(S)

VERSUS

MANRAJ & ORS.

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal has been filed by the claimants against the judgment of the High Court dated 09.04.2018 by which judgment although High Court accepted two submissions of the claimants in so far as deduction i.e. it ought to have been 1/4th and multiplier i.e. it ought to have been 17 but High Court has reduced the monthly income of the deceased from Rs.4032/- to Rs.3510/- per month.

Learned counsel for the appellants contends that there was no occasion for reduction of monthly income and deceased being skilled worker was atleast earning Rs.5000/- per month. He submits that the High Court erred in ultimate decision by dismissing the appeal.

Counsel appearing for the respondents has supported the order of the High Court and he contends that High Court has rightly reduced the monthly income.

We have considered the submissions of learned counsel for the parties and perused the record.

The Tribunal has allowed the compensation to the claimants amounting to Rs.9,15,200/- which amount was not interfered by the High Court.

We are of the view that the Tribunal, having fix the monthly income as Rs.4030/-, there was no occasion for further reduction of the said amount specifically when claimants have filed an appeal claiming for enhancement of the compensation and the monthly income of the deceased was claimed atleast Rs.5000/-. We are of the view that ends of justice will be served, on the basis of material on record, in fixing the monthly income of the deceased as Rs.5000/- per month and according to which the compensation deserves to be recalculated by permitting deduction of 1/4th and applying the multiplier of 17.

We modify the judgment of the Tribunal as well as the High Court to the above effect and Tribunal shall recalculate the entire amount to which the claimants are

entitled taking multiplier of 17, deduction 1/4th and monthly income as Rs.5000/- per month.

The appeal is partly allowed to the above extent.

.....J.
(ASHOK BHUSHAN)

.....J.
(NAVIN SINHA)

New Delhi;
January 30, 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).29739/2018

(Arising out of impugned final judgment and order dated 09-04-2018 in SBCMA No.1443/2018 passed by the High Court Of Judicature For Rajasthan At Jaipur)

MEENA BAI & ORS.

Petitioner(s)

VERSUS

MANRAJ & ORS.

Respondent(s)

Date : 30-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN

HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Anuj Bhandari, Adv.

Mr. Shitij Chakravaty, Adv.

For Respondent(s)

Mr. Parmanand Gaur, AOR

Ms. Pratima Singh, Adv.

Mr. Ekansh Bansal, Adv.

Mr. Akhil Sharma, Adv.

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

Leave granted.

The appeal is partly allowed in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)