

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 1307-1308 OF 2020  
(Arising out of SLP (C) Nos. 32508-32509/2018)

J MILTON KUMAR &amp; ANR.

Appellant(s)

VERSUS

M/S NEW INDIA ASSURANCE CO. LTD &amp; ANR.

Respondent(s)

O R D E R

- 1) Leave granted.
- 2) Nobody appears for the respondents though served.
- 3) Learned counsel for the appellants points out that the Motor Accident Claims Tribunal had taken the figure of Rs.12,000/- p.m. to be the salary of the 23 year old, who was killed by a rash and negligent act. This was reduced by 1/3rd for personal expenses amounting to a salary of Rs.8,000/- p.m. The High Court arbitrarily reduced the salary to Rs.9,000/- p.m. with a deduction of 50% instead of 1/3rd as applicable. We accept the argument of learned counsel for the appellants and accept the salary of Rs.8,000/- p.m. (including the deduction of 1/3rd) as stated by the Tribunal which must now be multiplied by a multiplier of 18.
- 4) It has also been pointed out that future prospects have been ignored altogether. This would be contrary to our judgment in National Insurance Company Ltd. vs. Pranay Sethi and Others, (2017) 16 SCC 680 (para 59). As a result of this judgment, future prospects of 50% will be granted in addition. The High Court

judgment stands substituted only to this extent

5) The Insurance Company is directed to pay the total compensation in accordance with this judgment within a period of 4 weeks from today.

6) The appeals are disposed of accordingly.

..... J.  
(ROHINTON FALI NARIMAN)

..... J.  
(S. RAVINDRA BHAT)

New Delhi;  
February 10, 2020.

ITEM NO.39

COURT NO.4

SECTION XII

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). 32508-32509/2018

(Arising out of impugned final judgment and order dated 07-06-2018 in CMA No. 316/2018 07-06-2018 in CMP No. 3264/2018 passed by the High Court Of Judicature At Madras)

J MILTON KUMAR &amp; ANR.

Petitioner(s)

VERSUS

M/S NEW INDIA ASSURANCE CO. LTD &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R.)

Date : 10-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN  
HON'BLE MR. JUSTICE S. RAVINDRA BHATFor Petitioner(s) Mr. S.M. Vivekanandh, Adv.  
Mr. A. Karthik, AOR

For Respondent(s)

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

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, also stand disposed of.

(R. NATARAJAN)  
AR CUM PS(NISHA TRIPATHI)  
BRANCH OFFICER

(Signed order is placed on the file)