

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 19544 of 2017
(@ Special Leave to Appeal (C) No(s). 36161/2010)

SMT. DURGA DEVI & ORS.

Appellant(s)

VERSUS

UNION OF INDIA AND ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. The appeal arises out of judgment and order dated 11.08.2010 passed by the High Court in D.B. Civil Special Appeal No. 3622 of 2006. The High Court dismissed the appeal on the ground that the intra court appeal is not maintainable under Section 100A of Civil Procedure Code and Section 173 of the Motor Vehicles Act. The decision of the Division Bench is correct but keeping in view the fact that this appeal is filed by claimants in proceedings under the Motor Vehicles Act, this appeal is treated to be an appeal against the order of the learned Single Judge dated 07.08.2006 dismissing the appeal of the claimants.

3. The short question involved in this case is with regard to the enhancement of compensation.

4. The deceased was a permanent employee in Rajasthan State

Cooperative Tribunal aged 43 years and his salary was Rs.9173/- per month. Keeping in view the law laid down by the Constitution Bench of this Court in SLP (C) No. 25590 of 2014 titled *National Insurance Co. Ltd. v. Pranay Sethi & Ors.* decided on 31.10.2017, 30% of the income i.e. Rs. 2,752/- is to be added for future prospects and the total amount comes out to Rs.11,925/-. Out of this, 1/3rd i.e. Rs.3,975/- is deducted for the personal expenses of the deceased. The balance remains Rs.7,950/- per month or Rs.95,400/- annually. Applying multiplier of 14, the compensation comes out to Rs.13,35,600. In addition thereto, the claimants are entitled to Rs.15,000/- each for loss of estate and funeral expenses and the widow is entitled to an amount of Rs. 40,000/- for loss of consortium. The total works out to Rs.14,05,600/- which is rounded off to Rs.14,10,000/-.

5. In view of the above discussion, the amount awarded is enhanced to Rs.14,10,000/- along with interest @ 9% per annum from the date of filing of the claim till the payment of the amount and the interest should be calculated at the rate of 12% per annum, if not paid within 60 days. It is ordered accordingly. The amount already paid shall be adjusted and the balance amount be paid to the appellants or deposited before the Motor Accident Claims Tribunal.

6. The civil appeal is disposed of.

.....J.
[MADAN B. LOKUR]

.....J.
[DEEPAK GUPTA]

NEW DELHI;
NOVEMBER 15, 2017.

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). 36161/2010

(Arising out of impugned final judgment and order dated 11-08-2010 in DBCSA No. 3622/2006 passed by the High Court Of Judicature For Rajasthan At Jaipur)

SMT. DURGA DEVI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND ANR.

Respondent(s)

Date : 15-11-2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Petitioner(s) Mr. Maruf Khan, Adv.
Mr. Ravindra S. Garia, AOR

Mr. Amarjit Singh Bedi, AORFor Respondent(s) Mr. A.K. Sanghi, Sr. Adv.
Ms. Alka Agrawal, Adv.
Mr. N.K. Karhail, Adv.
Mr. Mukesh Kumar Maroria, AOR

Mrs. Anil Katiyar, AOR

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The civil appeal is disposed of in terms of the signed order.

(MEENAKSHI KOHLI)
COURT MASTER(KAILASH CHANDER)
COURT MASTER

[Signed order is placed on the file]